schools) providing clinical mental health care to children and adolescents, and for other purposes.

S. 539

At the request of Mr. MARTINEZ, the names of the Senator from Kentucky (Mr. BUNNING) and the Senator from Nevada (Mr. ENSIGN) were added as cosponsors of S. 539, a bill to amend title 28, United States Code, to provide the protections of habeas corpus for certain incapacitated individuals whose life is in jeopardy, and for other purposes.

S. 544

At the request of Mr. JEFFORDS, the name of the Senator from Alabama (Mr. SESSIONS) was added as a cosponsor of S. 544, a bill to amend title IX of the Public Health Service Act to provide for the improvement of patient safety and to reduce the incidence of events that adversely effect patient safety.

S. 548

At the request of Mr. CONRAD, the name of the Senator from Minnesota (Mr. DAYTON) was added as a cosponsor of S. 548, a bill to amend the Food Security Act of 1985 to encourage owners and operators of privately-held farm, ranch, and forest land to voluntarily make their land available for access by the public under programs administered by States and tribal governments.

S. 551

At the request of Mr. ALLARD, the name of the Senator from Colorado (Mr. SALAZAR) was added as a cosponsor of S. 551, a bill to direct the Secretary of Veterans Affairs to establish a national cemetery for veterans in the Colorado Springs, Colorado, metropolitan area.

S. RES. 31

At the request of Mr. COLEMAN, the names of the Senator from Virginia (Mr. ALLEN), the Senator from Washington (Ms. CANTWELL), the Senator from Maine (Ms. COLLINS), the Senator from North Carolina (Mrs. DOLE), the Senator from Wisconsin (Mr. FEINGOLD), the Senator from Iowa (Mr. GRASSLEY), the Senator from Georgia (Mr. ISAKSON), the Senator from Massachusetts (Mr. KERRY), the Senator from Pennsylvania (Mr. SPECTER) and the Senator from Michigan (Ms. STABENOW) were added as cosponsors of S. Res. 31, a resolution expressing the sense of the Senate that the week of August 7, 2005, be designated as ''National Health Center Week'' in order to raise awareness of health services provided by community, migrant, public housing, and homeless health centers, and for other purposes.

S. RES. 71

At the request of Mr. CRAIG, the name of the Senator from Indiana (Mr. LUGAR) was added as a cosponsor of S. Res. 71, a resolution designating the week beginning March 13, 2005 as ''National Safe Place Week''.

AMENDMENT NO. 68

At the request of Mr. KOHL, his name was added as a cosponsor of amendment No. 68 proposed to S. 256, a bill to amend title 11 of the United States Code, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. NELSON of Florida:

S. 570. A bill to amend title XVIII and XIX of the Social Security Act and title III of the Public Health Service Act to improve access to information about individuals' health care options and legal rights for care near the end of life, to promote advance care planning and decisionmaking so that individuals' wishes are known should they become unable to speak for themselves, to engage health care providers in disseminating information about and assisting in the preparation of advance directives, which include living wills and durable powers of attorney for health care, and for other purposes; read the first time.

Mr. NELSON of Florida. Mr. President, I am introducing the Information Security and Protection Act. It has to do with a subject matter about which we have had breaking news over the course of the last several days, and that is identity theft.

Two weeks ago we found out a company named ChoicePoint, a Georgia company, because of the conviction in a plea bargain with someone who had under false pretenses broken into the database of this information broker, had 400,000 individual records stolen and thus subject to the taking of the personal identity of those 400,000 people. Of those we know of, 10,000 of them are in my State, and I can tell you, having met with a group of Floridians we picked at random in the central Florida area I met with a week and a half ago, it has been a tale of extraordinarily horrific circumstances for these Americans when their identity was stolen to, No. 1, stop the theft, and then, No. 2, to reclaim their identity and to get back their identity, for example, with a credit card on which bills have been run up and therefore their credit becomes bad. Trying to get back their good name and their good credit has become a horrific process.

One of the central Floridians I met with is a truckdriver who has a special license to drive trucks with hazardous materials. This particular individual is so frustrated because whenever he goes to this Government agency or that Government agency, they always send him to another one, saying we can't help you. There is someone out there with his identity who keeps violating traffic rules and laws all over the country and he keeps getting summonses to courts in States all over the country, and he can't get back his identity.

That is just one example. Or take the example of the mom recently widowed, so her grown daughter takes over the paying of her bills, and because the mom has always been frugal, the daughter sees a charge on the credit card for $10,000 and thinks, well, my mom is suddenly going to start spending a little on herself. The daughter continues to pay these kinds of bills until she finally gets a call from a store in San Francisco and the clerk says, I want to see if you will approve this $26,000 charge for your mother. And she says, well, that is not my mother because my mother is not in San Francisco, she is here with me in Cocoa, FL right now. Fortunately, the game was up. They stopped that process, but that daughter had already paid $40,000 worth of bills thinking they were legitimate charges by her mother, and she will never get back that $40,000.

These are just a couple of examples of identity theft. But now the problem has gotten to be so much larger because these data collectors, which I call information brokers, with the advance of technology are able to gather billions and billions of records. This particular company that has come to light over the last couple of weeks with the theft of 400,000 records—ChoicePoint is the name of the company—has stored, now listen to this, 17 to 19 billion—that is with a B—records. With that amount of data, they virtually have information on every American. It is not just credit reports that are protected by the Fair Credit Reporting Act. It is Social Security numbers and driver's licenses. It is job applications. It is DNA tests. It is medical records.

With this kind of information, centralized under the control of one company, if there is a penetration of the security of that company, then you see what the invasion of our privacy is about to cause.

Indeed, we are going to be in a situation where no American has any privacy, and we are going to continue to go through this process until we say, enough already, and the people stand up and say: You have to protect our privacy.

That is what the bill I am introducing, the Information Security and Protection Act, sets out to do. It is going to require legal safeguards, put some teeth in the law, that is going to require not just credit reports, which is covered by existing Federal law, but it is going to require these collectors of information who sell them for a profit-making business to have the safeguards to protect the consumers.

Additionally, it is going to have the safeguards for the consumers so they can have access to those records and see if, in fact, they are correct, and if they are not, correct them and have a list of the people who are seeking the information about them.

We had another case come to light a week ago, and that was the case of records that are missing. We do not know if they were destroyed, if they were lost, or if they were stolen, but they are the records of customers of the Bank of America. We are talking about 1.2 million customers. And, oh, by the way, some of those customers

are Federal employees who happen to have this particular card. It is the Federal travel card. This card is distributed additionally to the Members of the Senate.

On that stolen or missing information is the very personal and private information of 60 Senators in this Chamber. Let's hope we do not become the victims of identity theft and that we have to go through all of these horrific experiences I have heard in talking with some of my constituents. But, in fact, we may. Until we find out what happened to those records of 1.2 million individuals, Federal employees, then we are subject to these kinds of traumas that come from identity theft.

Today we have learned of a major breach at the Boca Raton based company called SizeNet. It is a part of Lexis-Nexis. Information that was accessed included names, addresses, Social Security and driver's license numbers; not the credit history, medical records, or financial information. This group said—and they put out a statement to the London Stock Exchange—that this was information on 32,000 U.S. citizens. It may have been accessed from one of the databases. The company said the breach, made on its legal and business information service, Lexis-Nexis, which had recently acquired this SizeNet unit, was being investigated by staff and U.S. law enforcement authorities. So here we have another 32,000 U.S. citizens who could possibly be the victims of identity theft.

Are we going to do anything about it? I sure hope so, and I am hopeful that we are going to have the Congress start to take action on a bill Congressman MARKEY in the House, a Member of the House Commerce Committee, and I, a Member of the Senate Commerce Committee, have introduced.

This bill requires the Federal Government to begin to regulate the products offered by information brokers. Under the legislation, the Federal Trade Commission would pass regulations that would empower consumers to have control over the personal information they have compiled in these databases. Consumers would be given, for the first time, the right to find out what files information brokers keep about them, and they would be given the right to make sure the information in the files is correct. They would be given the right to promptly correct the inaccurate information. They would be permitted to find out which people have asked for copies of their personal information.

What would be the responsibility of the information broker? It would require the Federal Trade Commission to come up with standards to ensure that those brokers know to whom they are selling that consumer information and the purposes for which it is being used. Those information brokers would be required to safeguard and protect the privacy of the billions of consumer records they hold.

Under present law, there is no protection unless you fall under a law such as the Fair Credit Reporting Act which protects consumer credit records. But all the amassing of this additional data is not protected under current law.

This bill I am filing also allows Government law enforcers and consumers to bring tough legal actions against the brokers if they violate the new regulations that the FTC would promulgate. Then it clearly gives a nod to the States to pass their own laws that they believe are necessary to effectively regulate information brokers.

This bill is not a catchall bill. This bill is meant to focus very narrowly on information brokers. It instructs the FTC to carve out appropriate regulatory exemptions that are in the public interest. So there is flexibility for the FTC to adjust to different circumstances.

After the FTC passes its new regulations, then the FTC, in our oversight capacity, would be reporting back to us and specifically would be reporting to our committees—the Commerce Committees in both the House and the Senate—and then Congress would determine whether further statutory changes were necessary, as is the prerogative to adjust and adapt as circumstances change.

I want to work with all the people who are involved in this situation. We do not want something that is overreaching, but were are getting to the point that with the advance of technology, something has to be done or virtually none of us will have any privacy.

By the way, there is another reason to pass this legislation. We are in a new kind of war, and that war is against terrorists. The terrorist deals by stealth, and one way is to assume the identity of someone else. If we do not have the protections of all our identities, there is another source for the terrorist.

What is it going to take to spur the Congress into action? I thank the time is here. We have three examples in the last 2 weeks—ChoicePoint, Bank of America, and today Lexis-Nexis. I ask for the support of the Senate in passing the Information Protection and Security Act.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 570

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Advance Directives Education Act of 2005''.

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress makes the following findings:

(1) Every year 2,500,000 people die in the United States. Eighty percent of those people die in institutions such as hospitals, nursing homes, and other facilities. Chronic illnesses, such as cancer and heart disease, account for 2 out of every 3 deaths.

(2) In January 2004, a study published in the Journal of the American Medical Association concluded that many people dying in institutions have unmet medical, psychological, and spiritual needs. Moreover, family members of decedents who received care at home with hospice services were more likely to report a favorable dying experience.

(3) In 1997, the Supreme Court of the United States, in its decisions in Washington v. Glucksberg and Vacco v. Quill, reaffirmed the constitutional right of competent adults to refuse unwanted medical treatment. In those cases, the Court stressed the use of advance directives as a means of safeguarding that right should those adults become incapable of deciding for themselves.

(4) A study published in 2002 estimated that the overall prevalence of advance directives is between 15 and 20 percent of the general population, despite the passage of the Patient Self-Determination Act in 1990, which requires that health care providers tell patients about advance directives.

(5) Competent adults should complete advance care plans stipulating their health care decisions in the event that they become unable to speak for themselves. Through the execution of advance directives, including living wills and durable powers of attorney for health care according to the laws of the State in which they reside, individuals can protect their right to express their wishes and have them respected.

(b) PURPOSES.—The purposes of this Act are to improve access to information about individuals' health care options and legal rights for care near the end of life, to promote advance care planning and decisionmaking so that individuals' wishes are known should they become unable to speak for themselves, to engage health care providers in disseminating information about and assisting in the preparation of advance directives, which include living wills and durable powers of attorney for health care, and for other purposes.

SEC. 3. IMPROVEMENT OF POLICIES RELATED TO THE USE AND PORTABILITY OF ADVANCE DIRECTIVES.

(a) MEDICARE.—Section 1866(f) of the Social Security Act (42 U.S.C. 1395cc(f)) is amended—

(1) in paragraph (1)—

(A) in subparagraph (B), by inserting ''and if presented by the individual (or on behalf of the individual), to include the content of such advance directive in a prominent part of such record'' before the semicolon at the end;

(B) in subparagraph (D), by striking ''and'' after the semicolon at the end;

(C) in subparagraph (E), by striking the period at the end and inserting ''; and''; and

(D) by inserting after subparagraph (E) the following new subparagraph:

''(F) to provide each individual with the opportunity to discuss issues relating to the information provided to that individual pursuant to subparagraph (A) with an appropriately trained professional.'';

(2) in paragraph (3), by striking ''a written'' and inserting ''an''; and

(3) by adding at the end the following new paragraph:

''(5)(A) In addition to the requirements of paragraph (1), a provider of services, Medicare Advantage organization, or prepaid or eligible organization (as the case may be) shall give effect to an advance directive executed outside the State in which such directive is presented, even one that does not appear to meet the formalities of execution, form, or language required by the State in which it is presented to the same extent as such provider or organization would give effect to an advance directive that meets such requirements, except that a provider or organization may decline to honor such a directive if the provider or organization can reasonably demonstrate that it is not an authentic expression of the individual's wishes concerning his or her health care. Nothing in this paragraph shall be construed to authorize the administration of medical treatment otherwise prohibited by the laws of the State in which the directive is presented.

''(B) The provisions of this paragraph shall preempt any State law to the extent such law is inconsistent with such provisions. The provisions of this paragraph shall not preempt any State law that provides for greater portability, more deference to a patient's wishes, or more latitude in determining a patient's wishes.''.

(b) MEDICAID.—Section 1902(w) of the Social Security Act (42 U.S.C. 1396a(w)) is amended—

(1) in paragraph (1)—

(A) in subparagraph (B)—

(i) by striking ''in the individual's medical record'' and inserting ''in a prominent part of the individual's current medical record''; and

(ii) by inserting ''and if presented by the individual (or on behalf of the individual), to include the content of such advance directive in a prominent part of such record'' before the semicolon at the end;

(B) in subparagraph (D), by striking ''and'' after the semicolon at the end;

(C) in subparagraph (E), by striking the period at the end and inserting ''; and''; and

(D) by inserting after subparagraph (E) the following new subparagraph:

''(F) to provide each individual with the opportunity to discuss issues relating to the information provided to that individual pursuant to subparagraph (A) with an appropriately trained professional.'';

(2) in paragraph (4), by striking ''a written'' and inserting ''an''; and

(3) by adding at the end the following paragraph:

''(6)(A) In addition to the requirements of paragraph (1), a provider or organization (as the case may be) shall give effect to an advance directive executed outside the State in which such directive is presented, even one that does not appear to meet the formalities of execution, form, or language required by the State in which it is presented to the same extent as such provider or organization would give effect to an advance directive that meets such requirements, except that a provider or organization may decline to honor such a directive if the provider or organization can reasonably demonstrate that it is not an authentic expression of the individual's wishes concerning his or her health care. Nothing in this paragraph shall be construed to authorize the administration of medical treatment otherwise prohibited by the laws of the State in which the directive is presented.

''(B) The provisions of this paragraph shall preempt any State law to the extent such law is inconsistent with such provisions. The provisions of this paragraph shall not preempt any State law that provides for greater portability, more deference to a patient's wishes, or more latitude in determining a patient's wishes.''.

(c) EFFECTIVE DATES.—

(1) IN GENERAL.—Subject to paragraph (2), the amendments made by subsections (a) and (b) shall apply to provider agreements and contracts entered into, renewed, or extended under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.), and to State plans under title XIX of such Act (42 U.S.C. 1396 et seq.), on or after such date as the Secretary of Health and Human Services specifies, but in no case may such date be later than 1 year after the date of enactment of this Act.

(2) EXTENSION OF EFFECTIVE DATE FOR STATE LAW AMENDMENT.—In the case of a State plan under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.) which the Secretary of Health and Human Services determines requires State legislation in order for the plan to meet the additional requirements imposed by the amendments made by subsection (b), the State plan shall not be regarded as failing to comply with the requirements of such title solely on the basis of its failure to meet these additional requirements before the first day of the first calendar quarter beginning after the close of the first regular session of the State legislature that begins after the date of enactment of this Act. For purposes of the previous sentence, in the case of a State that has a 2-year legislative session, each year of the session is considered to be a separate regular session of the State legislature.

SEC. 4. INCREASING AWARENESS OF THE IMPORTANCE OF END-OF-LIFE PLANNING.

Title III of the Public Health Service Act (42 U.S.C. 241 et seq.) is amended by adding at the end the following new part:

''PART R—PROGRAMS TO INCREASE AWARENESS OF ADVANCE DIRECTIVE PLANNING ISSUES

''SEC. 399Z–1. ADVANCE DIRECTIVE EDUCATION CAMPAIGNS AND INFORMATION CLEARINGHOUSES.

''The Secretary shall provide for the establishment of a national, toll-free, information clearinghouse as well as clearinghouses that the public may access to find out about State-specific information regarding advance directive and end-of-life decisions.''.

SEC. 5. GAO STUDY AND REPORT ON ESTABLISHMENT OF NATIONAL ADVANCE DIRECTIVE REGISTRY.

(a) STUDY.—The Comptroller General of the United States shall conduct a study on the feasibility of a national registry for advance directives, taking into consideration the constraints created by the privacy provisions enacted as a result of the Health Insurance Portability and Accountability Act.

(b) REPORT.—Not later than 18 months after the date of enactment of this Act, the Comptroller General of the United States shall submit to Congress a report on the study conducted under subsection (a) together with recommendations for such legislation and administrative action as the Comptroller General of the United States determines to be appropriate.

SEC. 6. ADVANCE DIRECTIVES AT STATE DEPARTMENT OF MOTOR VEHICLES.

Each State shall establish a program of providing information on the advance directives clearinghouse established pursuant to section 399Z-1 of the Public Health Service Act to individuals who are residents of the State at such State's department of motor vehicles. Such program shall be modeled after the program of providing information regarding organ donation established at the State's department of motor vehicles, if such State has such an organ donation program.

By Mr. AKAKA (for himself and Mr. DURBIN):

S. 572. A bill to amend the Homeland Security Act of 2002 to give additional biosecurity responsibilities to the Department of Homeland Security; to the Committee on Homeland Security and Governmental Affairs.

By Mr. AKAKA (for himself and Mr. DURBIN):

S. 573. A bill to improve the response of the Federal Government to agroterrorism and agricultural diseases; to the Committee on Agriculture, Nutrition, and Forestry.

Mr. AKAKA. Mr. President, I rise today to introduce two bills to increase the security of the Nation's agriculture and food supply: the Homeland Security Food and Agriculture Act and the Agriculture Security Assistance Act. Both measures build on legislation I sponsored in the 107th and 108th Congresses. I would like to thank my good friend, Senator DURBIN, who cosponsored my agriculture security bills last session, for continuing his support of this legislation.

The first bill, the Homeland Security Food and Agriculture Act, will enhance coordination between the Department of Homeland Security (DHS) and other Federal agencies responsible for food and agriculture security. The Agriculture Security Assistance Act will increase coordination between Federal and State, local, and tribal officials and offer financial and technical assistance to farmers, ranchers, and veterinarians to improve preparedness.

The Nation's agriculture industry represents about 13 percent of GDP and nearly 17 percent of domestic employment. Yet, this critical economic sector is not receiving adequate protection from accidental or intentional contamination that would damage our economy, and, most importantly, could cost lives. Such contamination could be devastating to states such as Hawaii which generates more than $1.9 billion in agricultural sales annually.

Just last week, the President of Interpol warned that the consequences of an attack on livestock are ''substantial'' and ''relatively little'' is being done to prevent such an attack.

The introduction of my bills coincides with the release of a report I requested from the Government Accountability Office (GAO) entitled ''Much is Being Done to Protect Agriculture from a Terrorist Attack, but Important Challenges Remain.'' The report reviews the current state of agriculture security in the United States and makes recommendations. While GAO reported some accomplishments, such as conducting vulnerability assessments of agricultural products, establishing the Food and Agriculture Sector Coordinating Council, and funding two university-based Centers of Excellence to research livestock and poultry diseases, GAO found that critical vulnerabilities still exist.

Even though veterinarians may be the first to spot outbreaks of diseases, Department of Agriculture (USDA) certified veterinarians are not required to

demonstrate any knowledge of foreign animal diseases. This is short sighted given how easily animal diseases can travel from country to country as we have seen with the avian flu over the past few years. It is important that veterinarians, who will be our first responders in the event of an agroterrorist attack, be able to identify symptoms of a foreign disease in U.S. livestock.

GAO also highlights USDA's inability to deploy vaccines within 24 hours of an animal disease outbreak as required by Homeland Security Presidential Directive 9 (HSPD–9). According to GAO, the vaccine for foot-and-mouth disease (FMD), which is the only animal disease vaccine that the United States stockpiles, is purchased from Britain in a concentrate form. To use the vaccine the concentrate must be sent back to Britain to be activated, which adds at least three weeks to the deployment time.

According to a scenario from Dr. Tom McGinn, formerly of the North Carolina Department of Agriculture, FMD would spread to 23 States five days after an initial outbreak and to 40 States after 30 days. By the time the vaccine is deployed, FMD could spread across the country. We cannot afford to wait three weeks to start vaccinating livestock. Why is the United States outsourcing this critical security function? USDA should either store ready-to-use vaccines in the U.S. or examine ways to activate the vaccines in this country.

Equally troubling is that over the past 2 years, the number of agricultural inspections performed by the U.S. has declined by 3.4 million since DHS took over the border inspection responsibility from USDA. Mr. Kim Mann, a spokesman from the National Association of Agriculture Employees (NAAE), expressed similar concerns at a February 10, 2005, hearing conducted by the Senate Homeland Security and Governmental Affairs Subcommittee on Oversight of Government Management, the Federal Workforce, and the District of Columbia (OGM). Mr. Mann testified that of the approximately 2,100 Agriculture Quarantine Inspection positions that were transferred from USDA to DHS in 2003, only about 1,300 of those positions are currently filled. According to Mr. Mann, agriculture inspectors have left DHS to return to USDA because of DHS's lack of commitment to its agriculture mission, and DHS is not filling these vacancies. I recently wrote Undersecretary for Border and Transportation Security Asa Hutchinson expressing my concern over these reports because agriculture inspections are crucial to the economy of Hawaii which is home to more endangered species than any other State.

GAO also reported a lack of communication between DHS and states regarding the development of emergency response plans, grant guidance, and best practices. States agriculture officials were given as little as three days to provide input on the National Response Plan and the National Infrastructure Protection Plan. In addition, the State Homeland Security Grant Program grant guidance puts little emphasis on agriculture as a sector eligible for assistance. In fact, agriculture only became eligible in fiscal year 04 and many states are unaware that funds can be directed towards agriculture security. In addition, State and industry officials reported that there is no mechanism to share lessons learned from exercises or real-life animal disease outbreaks.

GAO further notes that shortcomings exist in DHS's Federal coordination of national efforts to protect against agroterrorism. Federal officials claim that there is confusion in interagency working groups as to which responsibility falls with whom. DHS reportedly also has been unable to coordinate agriculture security research efforts government-wide as is required by HSPD–9. While some program staff from DHS, USDA, and Health and Human Services have engaged in preliminary discussions, there is no overall departmental coordination of policy and budget issues between the various Federal agencies.

My bills address many of the concerns raised by GAO. The Homeland Security Food and Agriculture Act will: increase communication and coordination between DHS and state, local, and tribal homeland security officials regarding agroterrorism; Ensure agriculture security is included in state, local, and regional emergency response plans; and establish a task force of state and local first responders that will work with DHS to identify best practices in the area of agriculture security.

The Agriculture Security Assistance Act will: provide financial and technical assistance to states and localities for agroterrorism preparedness and response; increase international agricultural disease surveillance and inspections of imported agricultural products; require that certified veterinarians be knowledgeable in foreign animal diseases; and require that USDA study the costs and benefits of developing a more robust animal disease vaccine stockpile.

The United States needs a coordinated approach in dealing with the possibility of an attack on our food supply, which could affect millions. While improvements have occurred since I first voiced my concerns over food and agriculture security in 2001, critical vulnerabilities remain. I urge my colleagues to join me in protecting America's breadbasket and support these vital pieces of legislation.

I ask unanimous consent that the text of both bills be printed in the RECORD.

There being no objection, the bills were ordered tobe printed in the RECORD, as follows:

S. 572

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Homeland Security Food and Agriculture Act of 2005''.

SEC. 2. AGRICULTURAL BIOSECURITY.

(a) IN GENERAL.—Title VIII of the Homeland Security Act of 2002 (6 U.S.C. 361 et seq.) is amended by adding at the end the following:

''Subtitle J—Agricultural Biosecurity

''SEC. 899A. DEFINITIONS.

''In this subtitle:

''(1) AGRICULTURAL DISEASE.—The term 'agricultural disease' means an outbreak of a plant or animal disease, or a pest infestation, that requires prompt action in order to prevent injury or damage to people, plants, livestock, property, the economy, or the environment.

''(2) AGRICULTURE.—The term 'agriculture' includes—

''(A) the science and practice of an activity relating to—

''(i) food, feed, and fiber production; or

''(ii) the processing, marketing, distribution, use, or trade of food, feed, or fiber;

''(B) a social science, such as—

''(i) family and consumer science;

''(ii) nutritional science;

''(iii) food science and engineering; or

''(iv) agricultural economics; and

''(C) an environmental or natural resource science, such as—

''(i) forestry;

''(ii) wildlife science;

''(iii) fishery science;

''(iv) aquaculture;

''(v) floraculture; or

''(vi) veterinary medicine.

''(3) AGROTERRORIST ACT.—

''(A) IN GENERAL.—The term 'agroterrorist act' means the criminal act, committed with the intent described in subparagraph (B), of causing or attempting to cause damage or harm (including destruction or contamination) to—

''(i) a crop;

''(ii) livestock;

''(iii) farm or ranch equipment;

''(iv) material or property associated with agriculture; or

''(v) a person engaged in an agricultural activity.

''(B) INTENT.—The term 'agroterrorist act' means an act described in subparagraph (A) that is committed with the intent to—

''(i) intimidate or coerce a civilian population; or

''(ii) influence the policy of a government by intimidation or coercion.

''(4) BIOSECURITY.—

''(A) IN GENERAL.—The term 'biosecurity' means protection from the risk posed by a biological, chemical, or radiological agent to—

''(i) the agricultural economy;

''(ii) the environment;

''(iii) human health; or

''(iv) plant or animal health.

''(B) INCLUSIONS.—The term 'biosecurity' includes the exclusion, eradication, and control of a biological agent that causes an agricultural disease.

''(5) EMERGENCY RESPONSE PROVIDER.—The term 'emergency response provider' includes any Federal, State, or local—

''(A) emergency public safety professional;

''(B) law enforcement officer;

''(C) emergency medical professional (including an employee of a hospital emergency facility);

''(D) veterinarian or other animal health professional; and

''(E) related personnel, agency, or authority.

''(6) SUSPECT LOCATION.—The term 'suspect location' means a location that, as recognized by an element of the intelligence community—

''(A) has experienced, or may experience, an agroterrorist act or an unusual disease; or

''(B) has harbored, or may harbor, a person that committed an agroterrorist act.

''SEC. 899B. AGRICULTURAL SECURITY RESPONSIBILITIES OF THE DEPARTMENT OF HOMELAND SECURITY.

''(a) COORDINATION OF FOOD AND AGRICULTURAL SECURITY.—

''(1) IN GENERAL.—The Secretary shall establish and carry out a program to protect the agriculture and food supply of the United States from agroterrorist acts.

''(2) PROGRAM INCLUSIONS.—The program established pursuant to paragraph (1) shall include provisions for —

''(A) advising and coordinating with Federal, State, local, regional, and tribal homeland security officials regarding—

''(i) preparedness for and the response to an agroterrorist act; and

''(ii) the detection, prevention, and mitigation of an agroterrorist act; and

''(B) executing the agriculture security responsibilities of the Secretary described in Homeland Security Presidential Directive 7 (December 17, 2003) and Homeland Security Presidential Directive 9 (February 3, 2004).

''(b) RESPONSIBILITIES.—

''(1) SECRETARY.—The Secretary shall have responsibility for—

''(A) increasing communication and coordination among all Federal, State, local, regional, and tribal emergency response providers regarding biosecurity;

''(B) ensuring that each Federal, State, local, regional, and tribal emergency response provider understands and executes the role of that emergency response provider in response to an agroterrorist attack;

''(C)(i) ensuring that State, local, and tribal officials have adequate access to information and resources at the Federal level; and

''(ii) developing and implementing information-sharing procedures by which a Federal, State, local, regional, or tribal emergency response provider can share information regarding a biological threat, risk, or vulnerability;

''(D) coordinating with the Secretary of Transportation to develop guidelines for restrictions on the interstate transportation of an agricultural commodity or product in response to an agricultural disease;

''(E) coordinating with the Administrator of the Environmental Protection Agency in considering the potential environmental impact of a response by Federal, regional, State, local, and tribal emergency response providers to an agricultural disease;

''(F) working with Federal agencies (including the Department of Agriculture and other elements of the intelligence community) to improve the ability of employees of the Department of Homeland Security to identify a biological commodity or product, livestock, and any other good that is imported from a suspect location;

''(G) coordinating with the Department of State to provide the President and Federal agencies guidelines for establishing a mutual assistance agreement with another country, including an agreement—

''(i) to provide training to veterinarians, public health workers, and agriculture specialists of the United States in the identification, diagnosis, and control of foreign diseases;

''(ii) to provide resources and technical assistance personnel to a foreign government with limited resources; and

''(iii) to participate in a bilateral or multilateral training program or exercise relating to biosecurity.

''(2) UNDERSECRETARY FOR EMERGENCY RESPONSE AND PREPAREDNESS.—The Undersecretary for Emergency Response and Preparedness shall have responsibility for—

''(A) not later than 180 days after the date of enactment of this subtitle, cooperating with State, local, and tribal homeland security officials to establish State, local, and regional response plans for an agricultural disease or agroterrorist act that include—

''(i) a comprehensive needs analyses to determine the appropriate investment requirements for responding to an agricultural disease or agroterrorist act;

''(ii) a potential emergency management assistance compact and any other mutual assistance agreement between neighboring States; and

''(iii) an identification of State and local laws (including regulations) and procedures that may affect the implementation of a State response plan; and

''(B) not later than 90 days after the date of enactment of this subtitle, establishing a task force consisting of State and local homeland security officials that shall—

''(i) identify the best practices for carrying out a regional or State biosecurity program;

''(ii) make available to State, local, and tribal governments a report that describes the best practices identified under clause (i); and

''(iii) design and make available information (based on the best practices identified under clause (i)) concerning training exercises for emergency response providers in the form of printed materials and electronic media to—

''(I) managers of State, local, and tribal emergency response provider organizations; and

''(II) State health and agricultural officials.

''(c) GRANTS TO FACILITATE PARTICIPATION OF STATE AND LOCAL ANIMAL HEALTH CARE OFFICIALS.—

''(1) IN GENERAL.—The Office of State and Local Coordination and Preparedness, in consultation with the Undersecretary for Emergency Response and Preparedness and the Secretary, shall establish a program under which the Secretary shall provide grants to communities to facilitate the participation of State and local animal health care officials in community emergency planning efforts.

''(2) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection $5,000,000 for fiscal year 2006.''.

S. 573

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Agricultural Security Assistance Act of 2005''.

SEC. 2. DEFINITIONS.

In this Act:

(1) AGRICULTURAL DISEASE.—The term ''agricultural disease'' means an outbreak of a plant or animal disease, or a pest infestation, that requires prompt action in order to prevent injury or damage to people, plants, livestock, property, the economy, or the environment.

(2) AGRICULTURAL DISEASE EMERGENCY.—The term ''agricultural disease emergency'' means an agricultural disease that the Secretary determines to be an emergency under—

(A) section 415 of the Plant Protection Act (7 U.S.C. 7715); or

(B) section 10407(b) of the Animal Health Protection Act (7 U.S.C. 8306(b)).

(3) AGRICULTURE.—The term ''agriculture'' includes—

(A) the science and practice of activities relating to food, feed, and fiber production, processing, marketing, distribution, use, and trade;

(B) family and consumer science, nutrition, food science and engineering, agricultural economics, and other social sciences; and

(C) forestry, wildlife science, fishery science, aquaculture, floraculture, veterinary medicine, and other environmental and natural resource sciences.

(4) AGROTERRORISM.—The term ''agroterrorism'' means the commission of an agroterrorist act.

(5) AGROTERRORIST ACT.—The term ''agroterrorist act'' means a criminal act consisting of causing or attempting to cause damage or harm to, or destruction or contamination of, a crop, livestock, farm or ranch equipment, material or property associated with agriculture, or a person engaged in agricultural activity, that is committed with the intent—

(A) to intimidate or coerce a civilian population; or

(B) to influence the policy of a government by intimidation or coercion.

(6) BIOSECURITY.—

(A) IN GENERAL.—The term ''biosecurity'' means protection from the risks posed by biological, chemical, or radiological agents to—

(i) plant or animal health;

(ii) the agricultural economy;

(iii) the environment; or

(iv) human health.

(B) INCLUSIONS.—The term ''biosecurity'' includes the exclusion, eradication, and control of biological agents that cause plant or animal diseases.

(7) INDIAN TRIBE.—The term ''Indian tribe'' has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

(8) SECRETARY.—The term ''Secretary'' means the Secretary of Agriculture.

(9) TRIBAL GOVERNMENT.—The term ''tribal government'' means the governing body of an Indian tribe.

SEC. 3. STATE AND LOCAL ASSISTANCE.

(a) STUDY.—

(1) IN GENERAL.—In consultation with the steering committee of the National Animal Health Emergency Management System and other stakeholders, the Secretary shall conduct a study to—

(A) determine the best use of epidemiologists, computer modelers, and statisticians as members of emergency response task forces that handle foreign or emerging agricultural disease emergencies; and

(B) identify the types of data that are necessary for proper modeling and analysis of agricultural disease emergencies.

(2) REPORT.—Not later than 180 days after the date of enactment of this Act, the Secretary shall submit a report that describes the results of the study under paragraph (1) to—

(A) the Secretary of Homeland Security; and

(B) the head of any other agency involved in response planning for agricultural disease emergencies.

(b) GEOGRAPHIC INFORMATION SYSTEM GRANTS.—

(1) IN GENERAL.—The Secretary, in consultation with the Secretary of Homeland Security and the Secretary of the Interior, shall establish a program under which the Secretary shall provide grants to States to develop capabilities to use a geographic information system or statistical model for an epidemiological assessment in the event of an agricultural disease emergency.

(2) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this subsection—

(A) $2,500,000 for fiscal year 2006; and

(B) such sums as are necessary for each subsequent fiscal year.

(c) BIOSECURITY AWARENESS AND PROGRAMS.—

(1) IN GENERAL.—The Secretary shall implement a public awareness campaign for farmers, ranchers, and other agricultural producers that emphasizes—

(A) the need for heightened biosecurity on farms; and

(B) reporting to the Department of Agriculture any agricultural disease anomaly.

(2) ON-FARM BIOSECURITY.—

(A) IN GENERAL.—Not later than 240 days after the date of enactment of this Act, the Secretary, in consultation with associations of agricultural producers and taking into consideration research conducted under the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3101 et seq.), shall—

(i) develop guidelines—

(I) to improve monitoring of vehicles and materials entering or leaving farm or ranch operations; and

(II) to control human traffic entering or leaving farm or ranch operations; and

(ii) distribute the guidelines developed under clause (i) to agricultural producers through agricultural informational seminars and biosecurity training sessions.

(B) AUTHORIZATION OF APPROPRIATIONS.—

(i) IN GENERAL.—There are authorized to be appropriated to carry out this paragraph—

(I) $5,000,000 for fiscal year 2006; and

(II) such sums as are necessary for each subsequent fiscal year.

(ii) INFORMATION PROGRAM.—Of the amounts made available under clause (i), the Secretary may use such sums as are necessary to establish in each State an information program to distribute the biosecurity guidelines developed under subparagraph (A)(i).

(3) BIOSECURITY GRANT PILOT PROGRAM.—

(A) INCENTIVES.—

(i) IN GENERAL.—Not later than 240 days after the date of enactment of this Act, the Secretary shall develop a pilot program to provide incentives, in the form of grants or low-interest loans, to agricultural producers to restructure farm and ranch operations (based on the biosecurity guidelines developed under paragraph (2)(A)(i)) to achieve the goals described in clause (ii).

(ii) GOALS.—The goals referred to in clause (i) are—

(I) to control access to farms and ranches by persons intending to commit agroterrorist acts;

(II) to prevent the introduction and spread of agricultural diseases; and

(III) to take other measures to ensure biosecurity.

(iii) LIMITATION.—The amount of a grant or low-interest loan provided under this paragraph shall not exceed $10,000.

(B) REPORT.—Not later than 3 years after the date of enactment of this Act, the Secretary shall submit to Congress a report that—

(i) describes the implementation of the pilot program; and

(ii) makes recommendations for expanding the pilot program.

(C) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this paragraph—

(i) $5,000,000 for fiscal year 2006; and

(ii) such sums as are necessary for each of fiscal years 2007 through 2009.

SEC. 4. REGIONAL, STATE, AND LOCAL PREPAREDNESS.

(a) ENVIRONMENTAL PROTECTION AGENCY.—The Administrator of the Environmental Protection Agency, in consultation with the Secretary, shall cooperate with regional, State, and local disaster preparedness officials to include consideration of the potential environmental effects of a response activity in planning a response to an agricultural disease.

(b) DEPARTMENT OF AGRICULTURE.—The Secretary, in consultation with the Secretary of Homeland Security, shall—

(1) develop and implement procedures to provide information to, and share information among, Federal, regional, State, tribal, and local officials regarding agricultural threats, risks, and vulnerabilities; and

(2) cooperate with State agricultural officials, State and local emergency managers, representatives from State land grant colleges and research universities, agricultural producers, and agricultural trade associations to establish local response plans for agricultural diseases.

SEC. 5. INTERAGENCY COORDINATION.

(a) AGRICULTURAL DISEASE LIAISONS.—

(1) AGRICULTURAL DISEASE MANAGEMENT LIAISON.—The Secretary of Homeland Security shall establish a senior level position within the Federal Emergency Management Agency the primary responsibility of which is to serve as a liaison for agricultural disease management between—

(A) the Department of Homeland Security; and

(B)(i) the Federal Emergency Management Agency;

(ii) the Department of Agriculture;

(iii) other Federal agencies responsible for a response to an emergency relating to an agriculture disease;

(iv) the emergency management community;

(v) State emergency and agricultural officials;

(vi) tribal governments; and

(vii) industries affected by agricultural disease.

(2) ANIMAL HEALTH CARE LIAISON.—The Secretary of Health and Human Services shall establish within the Department of Health and Human Services a senior level position the primary responsibility of which is to serve as a liaison between—

(A) the Department of Health and Human Services; and

(B)(i) the Department of Agriculture;

(ii) the animal health community;

(iii) the emergency management community;

(iv) tribal governments; and

(v) industries affected by agricultural disease.

(b) TRANSPORTATION.—

(1) IN GENERAL.—The Secretary of Transportation, in consultation with the Secretary and the Secretary of Homeland Security, shall—

(A) publish in the Federal Register proposed guidelines for restrictions on interstate transportation of an agricultural commodity or product in response to an agricultural disease;

(B) provide for a comment period of not less than 90 days for the proposed guidelines; and

(C) establish final guidelines, taking into consideration any comment received under subparagraph (B); and

(2) provide the guidelines described in paragraph (1) to officers and employees of—

(A) the Department of Agriculture;

(B) the Department of Transportation; and

(C) the Department of Homeland Security.

SEC. 6. INTERNATIONAL ACTIVITIES.

(a) INTERNATIONAL AGRICULTURAL DISEASE SURVEILLANCE.—Not later than 1 year after the date of enactment of this Act, the Secretary, in consultation with the Secretary of State and the Administrator of the Agency for International Development, shall submit to Congress a report that describes measures taken by the Secretary to—

(1) streamline the process of notification by the Secretary to Federal agencies in the event of an agricultural disease in a foreign country; and

(2) cooperate with representatives of foreign countries, international organizations, and industry to develop and implement methods of sharing information relating to international agricultural diseases and unusual agricultural activities.

(b) BILATERAL MUTUAL ASSISTANCE AGREEMENTS.—The Secretary of State, in coordination with the Secretary and the Secretary of Homeland Security, shall—

(1) enter into mutual assistance agreements with other countries to provide and receive assistance in the event of an agricultural disease, including—

(A) training for veterinarians and agriculture specialists of the United States in the identification, diagnosis, and control of foreign agricultural diseases;

(B) providing resources and personnel to a foreign government with limited resources to respond to an agricultural disease; and

(C) bilateral training programs and exercises relating to assistance provided under this paragraph; and

(2) provide funding for a program or exercise described in paragraph (1)(C).

SEC. 7. ADDITIONAL STUDIES AND REPORTS.

(a) VACCINES.—Not later than 180 days after the date of enactment of this Act, the Secretary shall conduct a study of, and submit to Congress a report that describes, the projected costs and benefits of developing ready-to-use vaccines against foreign animal diseases.

(b) PLANT DISEASE LABORATORY.—Not later than 270 days after the date of enactment of this Act, the Secretary shall conduct a study of, and submit to Congress a report that describes, the feasibility of establishing a national plant disease laboratory based on the model of the Centers for Disease Control and Prevention, the primary task of which is to—

(1) integrate and coordinate a nationwide system of independent plant disease diagnostic laboratories, including plant clinics maintained by land grant colleges and universities; and

(2) increase the capacity, technical infrastructure, and information-sharing capabilities of laboratories described in paragraph (1).

SEC. 8. VETERINARIAN ACCREDITATION.

Not later than 180 days after the date of enactment of this Act, the Secretary shall promulgate regulations requiring that any veterinarian accredited by the Department of Agriculture shall be trained to recognize foreign animal diseases.

SEC. 9. REVIEW OF LEGAL AUTHORITY.

(a) IN GENERAL.—The Attorney General, in consultation with the Secretary, shall conduct a review of State and local laws relating to agroterrorism and biosecurity to determine—

(1) the extent to which the laws facilitate or impede the implementation of a current or proposed response plan relating to an agricultural disease;

(2) whether an injunction issued by a State court could—

(A) delay the implementation of a Federal response plan described in paragraph (1); or

(B) affect the extent to which an agricultural disease spreads; and

(3) the types and extent of legal evidence that may be required by a State court before a response plan described in paragraph (1) may be implemented.

(b) REPORT.—Not later than 1 year after the date of enactment of this Act, the Attorney General shall submit to Congress a report that describes the results of the review under subsection (a) (including any recommendations of the Attorney General).

By Ms. MIKULSKI (for herself, Mr. LAUTENBERG, Mrs. BOXER, and Mr. LEVIN):

S. 575. A bill to amend the Internal Revenue Code of 1986 to provide a refundable credit for certain education expenses; to the Committee on Finance.

Ms. MIKULSKI. Mr. President, I rise to introduce the ''Educational Opportunity for All Act.'' The core of the American Dream is getting a college education and I want to make sure that every student has access to that dream. I want to help families who are trying to send their children to college and adults who are going back to school—for their first degree or their third. This $4,000 tuition tax credit will help students who are taking one night class at a community college to update their skills or four classes at a university to get their bachelor's degree. And my tax credit is refundable so it helps families who don't owe taxes.

Our middle class families are stressed and stretched. Families in my State of Maryland are worried—they're worried about their jobs and they're terrified of losing their healthcare when costs keep ballooning. Many are holding down more than one job to make ends meet. They're racing from carpools to work and back again. But most of all, they don't know how they can afford to send their kids to college. And they want to know what we in the United States Senate are doing to help them.

That's why I want to give every family sending a child to college a $4,000 per student per year tuition tax credit. My bill would give help to those who practice self help—the families who are working and saving to send their child to college or update their own skills.

College tuition is on the rise across America. Tuition at the University of Maryland has increased by almost 40 percent since 2002. Tuition for Baltimore Community College rose by $300 in one year. The average total cost of going to a 4-year public college is $10,635 per year, including tuition, fees, room and board. University of Maryland will cost more than $15,000 for a full time undergraduate student who lives on campus.

Financial Aid isn't keeping up with these rising costs. Pell Grants cover only 40 percent of average costs at 4-year public colleges. Twenty years ago, Pell Grants covered 80 percent of average costs. Our students are graduating with so much debt it's like their first mortgage. The average undergraduate student debt from college loans is almost $19,000. College is part of the American Dream; it shouldn't be part of the American financial nightmare.

Families are looking for help. I'm sad to say, the President doesn't offer them much hope. The Republican budget has all the wrong priorities. President Bush proposed increasing the maximum Pell Grant by just $100 to $4,150. I want to double Pell Grants. Instead of easing the burden on middle class families, the Republican budget helps out big business cronies with lavish tax breaks while eating into Social Security and creating deficits as far as the eye can see.

We need to do more to help middle class families afford college. We need to immediately increase the maximum Pell Grant to $4,500 and double it over the next 6 years. We need to make sure student loans are affordable. And we need a bigger tuition tax credit for the families stuck in the middle who aren't eligible for Pell Grants but still can't afford college.

A $4,000 refundable tax credit for tuition will go a long way. It will give middle class families some relief by helping the first-time student at our 4-year institutions like University of Maryland and the mid-career student at our terrific community colleges. A $4,000 tax credit would be 60 percent of the tuition at Maryland and enough to cover the cost of tuition at most community colleges. My bill would help make college affordable for everyone.

College education is more important than ever: 40 percent of new jobs in the next 10 years will require post-secondary education. College is important to families and it's important to our economy. To compete in the global economy, we need to make sure all our children have 21st century skills for 21st century jobs. And the benefits of education help not just the individual but society as a whole.

To have a safer America and a stronger economy, we need to have a smarter America. We need to invest in our human capital to create a world class workforce. That means making a college education affordable.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

S. 575

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Educational Opportunity for All Act of 2005''.

SEC. 2. EDUCATIONAL OPPORTUNITY FOR ALL TAX CREDIT.

(a) IN GENERAL.—Subpart C of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 is amended by redesignating section 36 as section 37 and by inserting after section 35 the following new section:

''SEC. 36. EDUCATIONAL OPPORTUNITY TAX CREDIT.

''(a) ALLOWANCE OF CREDIT.—

''(1) IN GENERAL.—There shall be allowed as a credit against the tax imposed by this subtitle for the taxable year an amount equal to the qualified tuition expenses paid by the taxpayer during the taxable year (for education furnished during any academic period beginning in such taxable year).

''(2) PER STUDENT LIMITATION.—The credit allowed under this section shall not exceed $4,000 with respect to any individual.

''(b) ELECTION NOT TO HAVE SECTION APPLY.—A taxpayer may elect not to have this section apply with respect to the qualified tuition expenses of an individual for any taxable year.

''(c) DEFINITIONS.—For purposes of this section—

''(1) QUALIFIED TUITION EXPENSES.—

''(A) IN GENERAL.—The term 'qualified tuition expenses' means tuition required for the enrollment or attendance of—

''(i) the taxpayer,

''(ii) the taxpayer's spouse, or

''(iii) any dependent of the taxpayer with respect to whom the taxpayer is allowed a deduction under section 151,

at an eligible educational institution for courses of instruction of such individual at such institution.

''(B) EXCEPTION FOR EDUCATION INVOLVING SPORTS, ETC.—Such term does not include expenses with respect to any course or other education involving sports, games, or hobbies, unless such course or other education is part of the individual's degree program.

''(C) EXCEPTION FOR NONACADEMIC FEES.—Such term does not include student activity fees, athletic fees, insurance expenses, or other fees or expenses unrelated to an individual's academic course of instruction.

''(D) JOB IMPROVEMENT INCLUDED.—Such term shall include tuition expenses described in subparagraph (A) with respect to any course of instruction at an eligible educational institution to acquire or improve job skills.

''(2) ELIGIBLE EDUCATIONAL INSTITUTION.—The term 'eligible educational institution' means an institution—

''(A) which is described in section 481 of the Higher Education Act of 1965 (20 U.S.C. 1088), as in effect on the date of the enactment of the Taxpayer Relief Act of 1997, and

''(B) which is eligible to participate in a program under title IV of such Act.

''(d) SPECIAL RULES.—

''(1) IDENTIFICATION REQUIREMENT.—No credit shall be allowed under subsection (a) to a taxpayer with respect to the qualified tuition expenses of an individual unless the taxpayer includes the name and taxpayer identification number of such individual on the return of tax for the taxable year.

''(2) ADJUSTMENT FOR CERTAIN SCHOLARSHIPS, ETC.—The amount of qualified tuition expenses otherwise taken into account under subsection (a) with respect to an individual for an academic period shall be reduced by the sum of any amounts paid for the benefit of such individual which are allocable to such period as—

''(A) a qualified scholarship which is excludable from gross income under section 117,

''(B) an educational assistance allowance under chapter 30, 31, 32, 34, or 35 of title 38, United States Code, or under chapter 1606 of title 10, United States Code, and

''(C) a payment (other than a gift, bequest, devise, or inheritance within the meaning of section 102(a)) for such individual's educational expenses, or attributable to such individual's enrollment at an eligible educational institution, which is excludable from gross income under any law of the United States.

''(3) TREATMENT OF EXPENSES PAID BY DEPENDENT.—If a deduction under section 151 with respect to an individual is allowed to another taxpayer for a taxable year beginning in the calendar year in which such individual's taxable year begins—

''(A) no credit shall be allowed under subsection (a) to such individual for such individual's taxable year, and

''(B) qualified tuition expenses paid by such individual during such individual's taxable year shall be treated for purposes of this section as paid by such other taxpayer.

''(4) TREATMENT OF CERTAIN PREPAYMENTS.—If qualified tuition expenses are paid by the taxpayer during a taxable year for an academic period which begins during the first 3 months following such taxable year, such academic period shall be treated for purposes of this section as beginning during such taxable year.

''(5) DENIAL OF DOUBLE BENEFIT.—No credit shall be allowed under this section for any expense for which a deduction is allowed under any other provision of this chapter.

''(6) COORDINATION WITH HOPE SCHOLARSHIP AND LIFETIME LEARNING CREDITS.—The qualified tuition and related expenses with respect to an individual for whom a Hope Scholarship Credit or the Lifetime Learning Credit under section 25A is allowed for the taxable year shall not be taken into account under this section.

''(7) NO CREDIT FOR MARRIED INDIVIDUALS FILING SEPARATE RETURNS.—If the taxpayer is a married individual (within the meaning of section 7703), this section shall apply only if the taxpayer and the taxpayer's spouse file a joint return for the taxable year.

''(8) NONRESIDENT ALIENS.—If the taxpayer is a nonresident alien individual for any portion of the taxable year, this section shall apply only if such individual is treated as a resident alien of the United States for purposes of this chapter by reason of an election under subsection (g) or (h) of section 6013.

''(e) REGULATIONS.—The Secretary may prescribe such regulations as may be necessary or appropriate to carry out this section, including regulations providing for a recapture of the credit allowed under this section in cases where there is a refund in a subsequent taxable year of any amount which was taken into account in determining the amount of such credit.''.

(b) REFUNDABILITY OF CREDIT.—Paragraph (2) of section 1324(b) of title 31, United States Code, is amended by inserting before the period ''or enacted by the Educational Opportunity for All Act of 2005''.

(c) CONFORMING AMENDMENTS.—

(1) Sections 135(d)(2)(A), 222(c)(2)(A), 529(c)(3)(B)(v)(II), and 530(d)(2)(C)(i)(II) of the Internal Revenue Code of 1986 are each amended by inserting ''or section 36'' after ''section 25A'' each place it appears.

(2) Section 6213(g)(2)(J) of such Code is amended by inserting ''or section 36(d)(1)'' after ''expenses)''.

(3) The table of sections for subpart C of part IV of subchapter A of chapter 1 of such Code is amended by striking the item relating to section 36 and inserting the following:

''Sec. 36. Educational opportunity tax credit.

''Sec. 37. Overpayments of tax.''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to expenses paid after December 31, 2004, for education furnished in academic periods beginning after such date.

By Mr. BYRD:

S. 576. A bill to restore the prohibition on the commercial sale and slaughter of wild free-roaming horses and burros; to the Committee on Energy and Natural Resources.

Mr. BYRD. Mr. President, President Reagan was often fond of saying that ''there's nothing better for the inside of a man than the outside of a horse.'' So he surely would have been proud when, on November 18, 2004, during the closing days of the 108th Congress, the Senate passed a resolution introduced by our former colleague Senator Ben Nighthorse Campbell that designated December 13, 2004, as ''National Day of the Horse.'' The resolution encouraged the people of the United States to be mindful of the contribution of horses to the economy, history, and character of our great Nation. The resolution, S. Res. 452, included a provision that stated ''horses are a vital part of the collective experience of the United States and deserve protection and compassion.''

Beginning in the 1950's, public awareness was raised about the cruel and inhumane manner in which wild horses and burros were being rounded up on public lands and subsequently sent to slaughter. Velma B. Johnston, later known as Wild Horse Annie, led an effort to protect this symbol of the American West that captured the imagination of school children across the country. In 1959, which was my first year in the Senate, Congress passed legislation I was pleased to support that prohibited the use of motorized vehicles to hunt wild horses and burros on all public lands. But the bill, which came to be known as the ''Wild Horse Annie Act,'' did not include a program for the management of wild horses and burros in the United States.

It was not until 1971 that Congress passed the Wild Free-Roaming Horse and Burro Act. The law, which I also supported, established as national policy that ''wild free-roaming horses and burros shall be protected from capture, branding, harassment, and death'' and that ''no wild free-roaming horses or burros or their remains may be sold or transferred for consideration for processing into commercial products.''

The Bureau of Land Management (BLM) and the U.S. Forest Service were tasked with enforcement of the law on public lands. Unfortunately, several reports have documented the failure by the agencies to properly manage these animals. As a result, the BLM currently has approximately 22,000 wild horses and burros in holding facilities where their feeding and care use up nearly half of the agency's budget for wild horse and burro management.

The Wild Free-Roaming Horse and Burro Act had been the law of the land until President Bush signed the FY 2005 Omnibus Appropriations bill on December 8, 2004. Included in the omnibus appropriations bill was a provision that would require the BLM to put up for public sale any wild horse taken off the range that is more than 10 years old and any horse that has been unsuccessfully offered for adoption three times. The BLM has estimated that about 8,400 mustangs out of 22,000 being kept on seven sanctuaries meet that criteria.

Surely there are actions that can be taken by the BLM to ensure the proper operation of the wild horse and burro program without resorting to the slaughter of these animals. Instead of taking the time to make the changes necessary to ensure the proper management of wild horses, this provision reaches for the butcher knife instead.

In response, my friend and colleague from West Virginia, Rep. NICK JOE RAHALL, has introduced H.R. 297, a bill that would restore the prohibition on the commercial sale and slaughter of wild free-roaming horses and burros. I am pleased to join with him in his effort to overturn this egregious provision and reinstate Federal protections for one of the enduring symbols of the American frontier.

In closing, I quote from British poet Ronald Duncan's Ode to the Horse:

> Where in this wide world can a man find nobility without pride, friendship without envy or beauty without vanity? Here: where grace is laced with muscle and strength by gentleness confined. He serves without servility; he has fought without enmity. There is nothing so powerful, nothing less violent; there is nothing so quick, nothing less patient. England's past has been bourne on his back. All our history is his industry. We are his heirs; he our inheritance. The Horse.

By Ms. COLLINS (for herself and Mr. FEINGOLD):

S. 577. A bill to promote health care coverage for individuals participating in legal recreational activities or legal transportation activities; to the Committee on Health, Education, Labor, and Pensions.

Ms. COLLINS. Mr. President, I am pleased to join with my colleague from Wisconsin, Senator FEINGOLD, in introducing legislation to prohibit health insurers from denying benefits to plan participants if they are injured while engaging in legal recreational activities like skiing, snowmobiling, or horseback riding.

Among the many rules that were issued at the end of the Clinton Administration was one that was intended to ensure non-discrimination in health coverage in the group market. This rule was issued jointly on January 8, 2001, by the Department of Labor, the Internal Revenue Service and the Health Care Financing Administration—now the Centers for Medicare and Medicaid Services—in accordance with the Health Insurance Portability and Accountability Act (HIPAA) of 1996.

While I was pleased that the rule prohibits health plans and issuers from denying coverage to individuals who engage in certain types of recreational activities, such as skiing, horseback riding, snowmobiling or motorcycling, I am extremely concerned that it would allow insurers to deny health benefits for an otherwise covered injury that results from participation in these activities.

The rule states that: ''While a person cannot be excluded from a plan for engaging in certain recreational activities, benefits for a particular injury can, in some cases, be excluded based on the source of the injury.'' A plan could, for example, include a general exclusion for injuries sustained while

doing a specified list of recreational activities, even though treatment for those injuries—a broken arm for instance—would have been covered under the plan if the individual had tripped and fallen.

Because of this loophole, an individual who was injured while skiing or running could be denied health care coverage, while someone who is injured while drinking and driving a car would be protected.

This clearly is contrary to Congressional intent. One of the purposes of HIPAA was to prohibit plans and issuers from establishing eligibility rules for health coverage based on certain health-related factors, including evidence of insurability. To underscore that point, the conference report language stated that ''the inclusion of evidence of insurability in the definition of health status is intended to ensure, among other things, that individuals are not excluded from health care coverage due to their participation in activities such as motorcycling, snowmobiling, all-terrain vehicle riding, horseback riding, skiing and other similar activities.'' The conference report also states that ''this provision is meant to prohibit insurers or employers from excluding employees in a group from coverage or charging them higher premiums based on their health status and other related factors that could lead to higher health costs.''

Millions of Americans participate in these legal and common recreational activities which, if practiced with appropriate precautions, do not significantly increase the likelihood of serious injury. Moreover, in enacting HIPAA, Congress simply did not intend that people would be allowed to purchase health insurance only to find out, after the fact, that they have no coverage for an injury resulting from a common recreational activity. If this rule is allowed to stand, millions of Americans will be forced to forgo recreational activities that they currently enjoy lest they have an accident and find out that they are not covered for needed care resulting from that accident.

The legislation that we are introducing today will clarify that individuals participating in activities routinely enjoyed by millions of Americans cannot be denied access to health care coverage or health benefits as a result of their activities. The bill should not be controversial. In fact, it passed the Senate by unanimous consent last November. Unfortunately, however, the House did not have time to act before the end of the Congress.

I am therefore hopeful that we will be able to move quickly on this legislation this year, and I urge all of my colleagues to join us as cosponsors.

Mr. LAUTENBERG. Mr. President, we have the benefit of many resources that provide us with a wealth of information: our dedicated staffs, the agencies of the Federal Government, and the many interested citizens and groups who follow issues.

We rely every day on the information we get from all these sources. But we also rely on plain old common sense. I rise today to introduce a bill that is based on common sense.

The premise is this: if we think somebody is a terrorist or has ties to terrorism, and that person purchases a deadly weapon, we need to know about it and keep track of it.

The bill I am introducing is called the ''Terrorist Apprehension Record Retention (TARR) Act.'' I am introducing it in response to a report that Senator BIDEN and I requested from the Government Accountability Office (GAO).

The report examined the practices of the National Instant Criminal Background Checks system (NICS) in conducting background checks of people who are on the Federal terrorist watch list and who try to purchase firearms.

The GAO found that from February 3 through June 30 of last year—a period of just five months—a total of 44 known or suspected terrorists attempted to purchase firearms. The GAO Report is available at http://www.gao.gov/new.items/d05127.pdf.

In 35 of these cases, the FBI authorized the transactions to proceed because its field agents were unable to find any disqualifying information, such as felony convictions or illegal immigrant status, within the federally prescribed three business days.

FBI officials told GAO investigators that from June through October 2004, the FBI's NICS handled an additional 14 transactions involving known or suspected terrorists. Of these 14 transactions, the FBI allowed 12 to proceed and denied 2 based on prohibiting information.

These people who are on the terrorist watch list are not even allowed to board a commercial airliner. Yet most of them were allowed to purchase firearms.

Some would say that defies common sense—but it gets worse.

After most of the people with suspected terrorist connections were allowed to purchase these deadly weapons, the FBI was forced to destroy the records of the transactions within 24 hours after the FBI had approved the sale.

These records were destroyed pursuant to the ''Tiahrt Amendment'' which was implemented last July.

The GAO also found that Department of Justice procedures prohibit the NICS from sharing information about gun sales to suspected terrorists with counterterrorism officials.

This restriction of information-sharing is based on the belief at DOJ that information gathered by NICS should not be used for law enforcement purposes or to fight the war against terror. This is despite the fact that FBI counterterrorism officials said that it would help them fight the war on terror if they were to routinely receive all available personal identifying information and other details from valid-match background checks of known or suspected terrorists.

So, not only are people suspected of having links to terrorism allowed to purchase deadly weapons, but then we don't even tell our counterterrorism agents about it—and we destroy the records!

This doesn't seem like common sense to me.

In fact, it seems like a policy that not only allows terrorists to acquire weapons, but then helps them cover their tracks.

In light of the findings in this report, Senators CORZINE, SCHUMER, CLINTON, FEINSTEIN, MIKULSKI, REED and KENNEDY are joining me in introducing the TARR Act, which would do two very important things.

First, the bill would require the Federal Government, specifically the NICS and FBI, to maintain for 10 years all records related to a NICS transaction involving a valid match to the VGTOF terrorist records—a suspected or known terrorist.

It is outrageous that one unit of the FBI—NICS—has information that could help us win the war against terrorism, but that information is deleted.

Second, the TARR Act would require all information related to the transactions involving a valid match to the VGTOF terrorist records must be shared with all appropriate Federal and State counterterrorism officials. Both FBI counterterrorism agents and State counterterrorism agencies should have access to this potentially valuable information. I encourage my colleagues to support this common sense legislation.

I ask unanimous consent that the text of the bill be printed in the RECORD. I also ask unanimous consent that an article from the March 8, 2005 edition of the New York Times be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 578

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Terrorist Apprehension and Record Retention Act of 2005'' or the ''TARR Act of 2005''.

SEC. 2. IDENTIFICATION OF TERRORISTS.

(a) IN GENERAL.—Section 922(t) of title 18, United States Code, is amended by inserting after paragraph (6) the following:

''(7) If the national criminal background check system indicates that a person attempting to purchase a firearm or applying for a State permit to possess, acquire, or carry a firearm is identified as a known or suspected member of a terrorist organization in records maintained by the Department of Justice or the Department of Homeland Security, including the Violent Gang and Terrorist Organization File, or records maintained by the Intelligence Community, including records maintained under section 343 of the Intelligence Authorization Act for Fiscal Year 2003 (50 U.S.C. 404n-2)—

''(A) all information related to the prospective transaction shall automatically and immediately be transmitted to the appropriate

Federal and State counterterrorism officials, including the Federal Bureau of Investigation;

''(B) the Federal Bureau of Investigation shall coordinate the response to such an event; and

''(C) all records generated in the course of the check of the national criminal background check system, including the ATF Form 4473, that are obtained by Federal and State officials shall be retained for a minimum of 10 years.''.

(b) CONFORMING AMENDMENTS.—

(1) TITLE 18.—Section 922(t)(2)(C) of title 18, United States Code, is amended by inserting after ''transfer'' the following: '', except as provided in paragraph (7)''.

(2) OTHER LAW.—Section 617(a)(2) of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 2004 (118 Stat. 95) is amended by inserting after ''or State Law'' the following: '', except for information required to be maintained by section 922(t)(7) of title 18, United States Code''.

[From the New York Times, March 8, 2005]

TERROR SUSPECTS BUYING FIREARMS, REPORT FINDS

(By Eric Lichtblau)

WASHINGTON, March 7.—Dozens of terror suspects on federal watch lists were allowed to buy firearms legally in the United States last year, according to a Congressional investigation that points up major vulnerabilities in federal gun laws.

People suspected of being members of a terrorist group are not automatically barred from legally buying a gun, and the investigation, conducted by the Government Accountability Office, indicated that people with clear links to terrorist groups had regularly taken advantage of this gap.

Since the Sept. 11 terrorist attacks, law enforcement officials and gun control groups have voiced increasing concern about the prospect of a terrorist walking into a gun shop, legally buying an assault rifle or other type of weapon and using it in an attack.

The G.A.O. study offers the first full-scale examination of the possible dangers posed by gaps in the law, Congressional officials said, and it concludes that the Federal Bureau of Investigation ''could better manage'' its gun-buying records in matching them against lists of suspected terrorists.

F.B.I. officials maintain that they are hamstrung by laws and policies restricting the use of gun-buying records because of concerns over the privacy rights of gun owners.

At least 44 times from February 2004 to June, people whom the F.B.I. regards as known or suspected members of terrorist groups sought permission to buy or carry a gun, the investigation found.

In all but nine cases, the F.B.I. or state authorities who handled the requests allowed the applications to proceed because a check of the would-be buyer found no automatic disqualification like being a felon, an illegal immigrant or someone deemed ''mentally defective,'' the report found.

In the four months after the formal study ended, the authorities received an additional 14 gun applications from terror suspects, and all but 2 of those were cleared to proceed, the investigation found. In all, officials approved 47 of 58 gun applications from terror suspects over a nine-month period last year, it found.

The gun buyers came up as positive matches on a classified internal F.B.I. watch list that includes thousands of terrorist suspects, many of whom are being monitored, trailed or sought for questioning as part of terrorism investigations into Islamic-based, militia-style and other groups, official said. G.A.O. investigators were not given access to the identities of the gun buyers because of those investigations.

The report is to be released on Tuesday, and an advance copy was provided to The New York Times.

Senator Frank R. Lautenberg, Democrat of New Jersey, who requested the study, plans to introduce legislation to address the problem in part by requiring federal officials to keep records of gun purchases by terror suspects for a minimum of 10 years. Such records must now be destroyed within 24 hours as a result of a change ordered by Congress last year. Mr. Lautenberg maintains that the new policy has hindered terrorism investigations by eliminating the paper trail on gun purchases.

''Destroying these records in 24 hours is senseless and will only help terrorists cover their tracks,'' Mr. Lautenberg said Monday. ''It's an absurd policy.''

He blamed what he called the Bush administration's ''twisted allegiances'' to the National Rifle Association for the situation.

The N.R.A. and gun rights supporters in Congress have fought—successfully, for the most part—to limit the use of the F.B.I.'s national gun-buying database as a tool for law enforcement investigators, saying the database would amount to an illegal registry of gun owners nationwide.

The legal debate over how gun records are used became particularly contentious months after the Sept. 11 attacks, when it was disclosed that the Justice Department and John Ashcroft, then the attorney general, had blocked the F.B.I. from using the gun-buying records to match against some 1,200 suspects who were detained as part of the Sept. 11 investigation. Mr. Ashcroft maintained that using the records in a criminal investigation would violate the federal law that created the system for instant background gun checks, but Justice Department lawyers who reviewed the issue said they saw no such prohibition.

In response to the report, Mr. Lautenberg also plans to ask Attorney General Alberto R. Gonzales to assess whether people listed on the F.B.I.'s terror watch list should be automatically barred from buying a gun. Such a policy would require a change in federal law.

F.B.I. officials acknowledge shortcomings in the current approach to using gun-buying records in terror cases, but they say they are somewhat constrained by gun laws as established by Congress and interpreted by the Justice Department.

''We're in a tough position,'' said an F.B.I. official who spoke on condition of anonymity because the report has not been formally released. ''Obviously, we want to keep guns out of the hands of terrorists, but we also have to be mindful of privacy and civil rights concerns, and we can't do anything beyond what the law allows us to do.''

After initial reluctance from Mr. Ashcroft over Second Amendment concerns, the Justice Department changed its policy in February 2004 to allow the F.B.I. to do more cross-checking between gun-buying records and terrorist intelligence.

Under the new policy, millions of gun applications are run against the F.B.I.'s internal terrorist watch list, and if there is a match, bureau field agents or other counterterrorism personnel are to be contacted to determine whether they have any information about the terror suspect.

In some cases, the extra review allowed the F.B.I. to block a gun purchase by a suspected terrorist that might otherwise have proceeded because of a lag time in putting information into the database, the accountability office's report said.

In one instance last year, follow-up information provided by F.B.I. field agents revealed that someone on a terror watch list was deemed ''mentally defective,'' even though that information had not yet made its way into the gun database. In a second case, field agents disclosed that an applicant was in the country illegally. Both applications were denied.

Even so, the report concluded that the Justice Department should clarify what information could and could not be shared between gun-buying administrators and terrorism investigators. It also concluded that the F.B.I. should keep closer track of the performance of state officials who handle gun background checks in lieu of the F.B.I.

''Given that these background checks involve known or suspected terrorists who could pose homeland security risks,'' the report said, ''more frequent F.B.I. oversight or centralized management would help ensure that suspected terrorists who have disqualifying factors do not obtain firearms in violation of the law.''

By Mr. LIEBERMAN (for himself, Mr. BROWNBACK, Mrs. CLINTON, Mr. SANTORUM, Ms. LANDRIEU, Mr. DURBIN, and Mr. ENSIGN):

S. 579. A bill to amend the Public Health Service Act to authorize funding for the establishment of a program on children and the media within the National Institute of Child Health and Human Development to study the role and impact of electronic media in the development of children, to the Committee on Health, Education, Labor, and Pensions.

Mr. LIEBERMAN. Mr. President, I rise today to introduce, along with Senators BROWNBACK, CLINTON, SANTORUM, LANDRIEU, ENSIGN and DURBIN, the Children and Media Research Advancement Act, or CAMRA Act. We believe there is an urgent need to establish a federal role for targeting research on the impact of media on children. From the cradle to the grave, our children now live and develop in a world of media—a world that is increasingly digital, and a world where access is at their fingertips. This emerging digital world is well known to our children, but its effects on their development are not well understood. Young people today are spending an average of 6 and a half hours with media each day. For those who are under age 6, two hours of exposure to screen media each day is common, even for those who are under age 2. That is about as much time as children under age 6 spend playing outdoors, and it is much more time than they spend reading or being read to by their parents. How does this investment of time affect children's physical development, their cognitive development, or their moral values? Unfortunately, we still have very limited information about how media, particularly the newer interactive media, affect children's development. Why? We have not charged any Federal agency with ensuring an ongoing funding base to establish a coherent research agenda about the impact of media on children's lives. This lack of a coordinated government-sponsored effort to understand the effects of media on children's development is truly an oversight on our part, as the potential payoffs for this kind of knowledge are enormous.

Consider our current national health crisis of childhood obesity. The number of U.S. children and teenagers who are overweight has more than tripled from the 1960's through 2002. We think that media exposure is partly the cause of this epidemic. Is it? Is time spent viewing screens and its accompanying sedentary lifestyle contributing to childhood and adolescent obesity? Or is the constant bombardment of advertisements for sugar-coated cereals, snack foods, and candy that pervade children's television advertisements the culprit? How do the newer online forms of ''stealth marketing'', such as advergaming where food products are embedded in computer games, affect children's and adolescents' purchasing patterns? What will happen when pop-up advertisements begin to appear on children's cell phones that specifically target them for the junk food that they like best at a place where that food is easily obtainable? The answer to the obesity and media question is complex. A committee at the National Academy of Sciences is currently charged with studying the link between media advertising and childhood obesity. Will the National Academy of Sciences panel have the data they need to answer this important question? A definitive answer has the potential to save a considerable amount of money in other areas of our budget. For example, child health care costs that are linked to childhood obesity issues could be reduced by understanding and altering media diets.

Or take the Columbine incident. After two adolescent boys shot and killed some of their teachers, classmates, and then turned their guns on themselves at Columbine High School, we asked ourselves if media played some role in this tragedy. Did these boys learn to kill in part from playing first-person shooter video games like Doom where they acted as a killer? Were they rehearsing criminal activities when playing this game? We looked to the research community for an answer. In the violence and media area, Congress had passed legislation in the past so that research was conducted about the relationship between media violence and childhood aggression, and as a result, we knew more. Even though much of this data base was older and involved the link between exposure to violent television programs and childhood aggression, some answers were forthcoming about how the Columbine tragedy could have taken place. Even so, there is still a considerable amount of speculation about the more complex questions. Why did these particular boys, for example, pull the trigger in real life while others who played Doom confine their aggressive acts to the gaming context? We need to be able to answer questions about which children under what circumstances will translate game playing into real-life lethal actions. Investing in media research could potentially reduce our budgets associated with adolescent crime and delinquency as well as reduce real-life human misery and suffering.

Many of us believe that our children are becoming increasingly materialistic. Does exposure to commercial advertising and the ''good life'' experienced by media characters partly explain materialistic attitudes? We're not sure. Recent research using brain-mapping techniques finds that an adult who sees images of desired products demonstrates patterns of brain activation that are typically associated with reaching out with a hand. How does repeatedly seeing attractive products affect our children and their developing brains? What will happen when our children will be able to click on their television screen and go directly to sites that advertise the products that they see in their favorite programs? Or use their cell phones to pay for products that they want in the immediate environment? Exactly what kind of values are we cultivating in our children, and what role does exposure to media content play in the development of those values?

A report linked very early television viewing with later symptoms that are common in children who have attention deficit disorders. However, we don't know the direction of the relationship. Does television viewing cause attention deficits, or do children who have attention deficits find television viewing experiences more engaging than children who don't have attention problems? Or do parents whose children have difficulty sustaining attention let them watch more television to encourage more sitting and less hyperactive behavior? How will Internet experiences, particularly those where children move rapidly across different windows, influence attention patterns and attention problems? Once again, we don't know the answer. If early television exposure does disrupt the development of children's attention patterns, resulting in their placement in special education programs, actions taken to reduce screen exposure during the early years could lead to subsequent reductions in children's need for special education classes, thereby saving money while fostering children's development in positive ways.

We want no child left behind in the 21st century. Many of us believe that time spent with computers is good for our children, teaching them the skills that they will need for success in the 21st century. Are we right? How is time spent with computers different from time spent with television? What are the underlying mechanisms that facilitate or disrupt children's learning from these varying media? Can academic development be fostered by the use of interactive online programs designed to teach as they entertain? In the first six years of life, Caucasian more so than African American or Latino children have Internet access from their homes. Can our newer interactive media help ensure that no child is left behind, or will disparities in access result in leaving some behind and not others?

The questions about how media affect the development of our children are clearly important, abundant, and complex. Unfortunately, the answers to these questions are in short supply. Such gaps in our knowledge base limit our ability to make informed decisions about media policy.

We know that media are important. Over the years, we have held numerous hearings in these chambers about how exposure to media violence affects childhood aggression. We passed legislation to maximize the documented benefits of exposure to educational media, such as the Children's Television Act which requires broadcasters to provide educational and informational television programs for children. Can we foster children's moral values when they are exposed to prosocial programs that foster helping, sharing, and cooperating like those that have come into being as a result of the Children's Television Act? We acted to protect our children from unfair commercial practices by passing the Children's Online Privacy Protection Act which provides safeguards from exploitation for our youth as they explore the Internet, a popular pastime for them. Yet the Internet has provided new ways to reach children with marketing that we barely know is taking place, making our ability to protect our children all the more difficult. We worry about our children's inadvertent exposure to online pornography—about how that kind of exposure may undermine their moral values and standards of decency. In these halls of Congress, we acted to protect our children by passing the Communications Decency Act, the Child Online Protection Act, and the Children's Internet Protection Act to shield children from exposure to sexually-explicit online content that is deemed harmful to minors. While we all agree that we need to protect our children from online pornography, we know very little about how to address even the most practical of questions such as how to prevent children from falling prey to adult strangers who approach them online. There are so many areas in which our understanding is preliminary at best, particularly in those areas that involve the effects of our newer digital media.

In order to ensure that we are doing our very best for our children, the behavioral and health recommendations and public policy decisions we make should be based on objective behavioral, social, and scientific research. Yet no Federal research agency has responsibility for overseeing and setting a coherent media research agenda that can guide these policy decisions. Instead, Federal agencies fund media research in a piecemeal fashion, resulting in a patch work quilt of findings. We can do better than that.

The bill we are introducing today would remedy this problem. The

CAMRA Act will provide an overarching view of media effects by establishing a program devoted to Children and Media within the National Institute of Child Health and Human Development. This program of research, to be vetted by the National Academy of Sciences, will fund and energize a coherent program of research that illuminates the role of media in children's cognitive, social, emotional, physical, and behavioral development. The research will cover all forms of electronic media, including television, movies, DVDs, interactive video games, cell phones, and the Internet, and will encourage research involving children of all ages—even babies and toddlers. The bill also calls for a report to Congress about the effectiveness of this research program in filling this void in our knowledge base. In order to accomplish these goals, we are authorizing $90 million dollars to be phased in gradually across the next five years. The cost to our budget is minimal and can well result in significant savings in other budget areas.

Our Nation values the positive, healthy development of our children. Our children live in the information age, and our country has one of the most powerful and sophisticated information technology systems in the world. While this system entertains them, it is not harmless entertainment. Media have the potential to facilitate the healthy growth of our children. They also have the potential to harm. We have a stake in finding out exactly what that role is. We have a responsibility to take action. Access to the knowledge that we need for informed decision-making requires us to make an investment: an investment in research, an investment in and for our children, an investment in our collective future. The benefits to our youth and our nation's families are immeasurable.

By passing the Children and Media Research Advancement Act, we can advance knowledge and enhance the constructive effects of media while minimizing the negative ones. We can make future media policies that are grounded in a solid knowledge base. We can be proactive, rather than reactive. In so doing, we build a better nation for our youth, fostering the kinds of values that are the backbone of this great nation of ours, and we create a better foundation to guide future media policies about the digital experiences that pervade our children's daily lives.

I ask unanimous consent that the text of the bill be printed in the RECORD.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

S. 579

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Children and Media Research Advancement Act'' or the ''CAMRA Act''.

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress makes the following findings:

(1) Congress has recognized the important role of electronic media in children's lives when it passed the Children's Television Act of 1990 (Public Law 101-437) and the Telecommunications Act of 1996 (Public Law 104-104), both of which documented public concerns about how electronic media products influence children's development.

(2) Congress has held hearings over the past several decades to examine the impact of specific types of media products such as violent television, movies, and video games on children's and adolescent's health and development. These hearings and other public discussions about the role of media in children's and adolescent's development require behavioral and social science research to inform the policy deliberations.

(3) There are important gaps in our knowledge about the role of electronic media and in particular, the newer interactive digital media, in children's and adolescent's healthy development. The consequences of very early screen usage by babies and toddlers on children's cognitive growth are not yet understood, nor has a research base been established on the psychological consequences of high definition interactive media and other format differences for child and adolescent viewers.

(4) Studies have shown that children who primarily watch educational shows on television during their preschool years are significantly more successful in school 10 years later even when critical contributors to the child's environment are factored in, including their household income, parent's education, and intelligence.

(5) The early stages of childhood are a critical formative period for development. Virtually every aspect of human development is affected by the environments and experiences that one encounters during his or her early childhood years, and media exposure is an increasing part of every child's social and physical environment.

(6) As of the late 1990's, just before the National Institute of Child Health and Human Development funded 5 studies on the role of sexual messages in the media on children's and adolescent's sexual attitudes and sexual practices, a review of research in this area found only 15 studies ever conducted in the United States on this topic, even during a time of growing concerns about HIV infection.

(7) In 2001, a National Academy of Sciences study group charged with studying Internet pornography exposure on youth found virtually no literature about how much children and adolescents were exposed to Internet pornography or how such content impacts their development.

(8) In order to develop strategies that maximize the positive and minimize the negative effects of each medium on children's physical, cognitive, social, and emotional development, it would be beneficial to develop a research program that can track the media habits of young children and their families over time using valid and reliable research methods.

(9) Research about the impact of the media on children and adolescents is not presently supported through one primary programmatic effort. The responsibility for directing the research is distributed across disparate agencies in an uncoordinated fashion, or is overlooked entirely. The lack of any centralized organization for research minimizes the value of the knowledge produced by individual studies. A more productive approach for generating valuable findings about the impact of the media on children and adolescents would be to establish a single, well-coordinated research effort with primary responsibility for directing the research agenda.

(10) Due to the paucity of research about electronic media, educators and others interested in implementing electronic media literacy initiatives do not have the evidence needed to design, implement, or assess the value of these efforts.

(b) PURPOSE.—It is the purpose of this Act to enable the National Institute of Child Health and Human Development to—

(1) examine the role and impact of electronic media in children's and adolescent's cognitive, social, emotional, physical, and behavioral development; and

(2) provide for a report to Congress containing the empirical evidence and other results produced by the research funded through grants under this Act.

SEC. 3. RESEARCH ON THE ROLE AND IMPACT OF ELECTRONIC MEDIA IN THE DEVELOPMENT OF CHILDREN AND ADOLESCENTS.

Subpart 7 of part C of title IV of the Public Health Service Act (42 U.S.C. 285g et seq.) is amended by adding at the end the following:

''SEC. 452H. RESEARCH ON THE ROLE AND IMPACT OF ELECTRONIC MEDIA IN THE DEVELOPMENT OF CHILDREN AND ADOLESCENTS.

''(a) IN GENERAL.—The Director of the Institute shall enter into appropriate arrangements with the National Academy of Science in collaboration with the Institute of Medicine to establish an independent panel of experts to review, synthesize and report on research, theory, and applications in the social, behavioral, and biological sciences and to establish research priorities regarding the positive and negative roles and impact of electronic media use, including television, motion pictures, DVD's, interactive video games, and the Internet, and exposure to that content and medium on youth in the following core areas of child and adolescent development:

''(1) COGNITIVE.—The role and impact of media use and exposure in the development of children and adolescents within such cognitive areas as language development, attention span, problem solving skills (such as the ability to conduct multiple tasks or 'multitask'), visual and spatial skills, reading, and other learning abilities.

''(2) PHYSICAL.—The role and impact of media use and exposure on children's and adolescent's physical coordination, diet, exercise, sleeping and eating routines, and other areas of physical development.

''(3) SOCIO-BEHAVIORAL.—The influence of interactive media on children's and adolescent's family activities and peer relationships, including indoor and outdoor play time, interaction with parents, consumption habits, social relationships, aggression, prosocial behavior, and other patterns of development.

''(b) PILOT PROJECTS.—During the first year in which the National Academy of Sciences panel is summarizing the data and creating a comprehensive research agenda in the children and adolescents and media area under subsection (a), the Secretary shall provide for the conduct of initial pilot projects to supplement and inform the panel in its work. Such pilot projects shall consider the role of media exposure on—

''(1) cognitive and social development during infancy and early childhood; and

''(2) the development of childhood and adolescent obesity, particularly as a function of media advertising and sedentary lifestyles that may co-occur with heavy media diets.

''(c) RESEARCH PROGRAM.—Upon completion of the review under subsection (a), the Director of the National Institute of Child Health and Human Development shall develop and implement a program that funds

additional research determined to be necessary by the panel under subsection (a) concerning the role and impact of electronic media in the cognitive, physical, and sociobehavioral development of children and adolescents with a particular focus on the impact of factors such as media content, format, length of exposure, age of child or adolescent, and nature of parental involvement. Such program shall include extramural and intramural research and shall support collaborative efforts to link such research to other National Institutes of Health research investigations on early child health and development.

''(d) ELIGIBLE ENTITIES.—To be eligible to receive a grant under this section, an entity shall—

''(1) prepare and submit to the Director of the Institute an application at such time, in such manner, and containing such information as the Director may require; and

''(2) agree to use amounts received under the grant to carry out activities that establish or implement a research program relating to the effects of media on children and adolescents pursuant to guidelines developed by the Director relating to consultations with experts in the area of study.

''(e) USE OF FUNDS RELATING TO THE MEDIA'S ROLE IN THE LIFE OF A CHILD OR ADOLESCENT.—An entity shall use amounts received under a grant under this section to conduct research concerning the social, cognitive, emotional, physical, and behavioral development of children or adolescents as related to electronic mass media, including the areas of—

''(1) television;

''(2) motion pictures;

''(3) DVD's;

''(4) interactive video games;

''(5) the Internet; and

''(6) cell phones.

''(f) REPORTS.—

''(1) REPORT TO DIRECTOR.—Not later than 12 months after the date of enactment of this section, the panel under subsection (a) shall submit the report required under such subsection to the Director of the Institute.

''(2) REPORT TO CONGRESS.—Not later than December 31, 2011, the Director of the Institute shall prepare and submit to the Committee on Health, Education, Labor, and Pensions of the Senate, and Committee on Education and the Workforce of the House of Representatives a report that—

''(A) summarizes the empirical evidence and other results produced by the research under this section in a manner that can be understood by the general public;

''(B) places the evidence in context with other evidence and knowledge generated by the scientific community that address the same or related topics; and

''(C) discusses the implications of the collective body of scientific evidence and knowledge regarding the role and impact of the media on children and adolescents, and makes recommendations on how scientific evidence and knowledge may be used to improve the healthy developmental and learning capacities of children and adolescents.

''(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section—

''(1) $10,000,000 for fiscal year 2006;

''(2) $15,000,000 for fiscal year 2007;

''(3) $15,000,000 for fiscal year 2008;

''(4) $25,000,000 for fiscal year 2009; and

''(5) $25,000,000 for fiscal year 2010.''.

By Mr. SMITH (for himself, Mr. CONRAD, Mr. STEVENS, Mr. HAGEL, and Mr. CHAFEE):

S. 580. A bill to amend the Internal Revenue Code of 1986 to allow certain modifications to be made to qualified mortgages held by a REMIC or a grantor trust; to the Committee on Finance.

Mr. SMITH. Mr. President, I rise today to introduce the Real Estate Mortgage Investment Conduit Modernization Act. I am pleased to join my colleague and friend, Senator KENT CONRAD, in introducing this legislation to accelerate economic growth for America.

A Real Estate Mortgage Investment Conduit (REMIC) is a tax vehicle created by Congress in 1986 to support the housing market and investment in real estate by making it simpler to issue real estate backed securities.

By pooling real estate loans into mortgage backed securities, REMICs offer residential and commercial real estate borrowers access to capital that would not otherwise be available. REMICs enable commercial banks and other lenders to sell their loans in the capital markets, thereby freeing up assets for additional lending and investments. Because they contribute to the efficiency and liquidity of the U.S. real estate markets, REMICs help to minimize the costs of residential and commercial real estate borrowing and to spur real estate development and rehabilitation.

REMICs play a critical role in providing capital for residential and commercial mortgages. As of September 30, 2004, the value of single-family, multifamily and commercial-mortgage backed REMICs outstanding was $2.2 trillion. While the current volume of REMIC transactions reflects their important role in this market, certain changes to the tax code will eliminate impediments and unleash even greater potential. Current rules that govern REMICs often prevent many common loan modifications that facilitate loan administration and ensure repayment of investors.

Unfortunately, the legislation that created REMICs has not changed in nearly 20 years. Our legislation will update the REMIC provisions of the tax code. These proposed changes are simple, non-controversial, and will greatly enhance the ability of commercial real estate interests to obtain capital for financing new construction projects.

These changes would ultimately benefit the entire real estate community, including local real estate owners, builders, construction managers as well as engineering, architectural and interior design firms that provide real estate services. Firms that offer services to support real estate sales will also be assisted. The end result is that these changes would accelerate the creation of jobs and economic activity throughout the U.S., and would have a positive effect on federal and state tax revenues. By encouraging property renovations and expansions, these changes would strengthen the local property tax base in towns and cities across America.

We urge our colleagues to work with us to enact this legislation to spur economic and employment growth in real estate, the construction trades, and the building materials industry.

I ask unanimous consent that the text of the legislation be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 580

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CERTAIN MODIFICATIONS PERMITTED TO QUALIFIED MORTGAGES HELD BY A REMIC OR A GRANTOR TRUST.

(a) QUALIFIED MORTGAGES HELD BY A REMIC.—

(1) IN GENERAL.—Paragraph (3) of section 860G(a) of the Internal Revenue Code of 1986 is amended by adding at the end the following new subparagraph:

''(C) QUALIFIED MODIFICATIONS.—

''(i) IN GENERAL.—An obligation shall not fail to be treated as a qualified mortgage solely because of a qualified modification of such obligation.

''(ii) QUALIFIED MODIFICATION.—For purposes of this section, the term 'qualified modification' means, with respect to any obligation, any amendment, waiver, or other modification which is treated as a disposition of such obligation under section 1001 if such amendment, waiver or other modification does not—

''(I) extend the final maturity date of the obligation,

''(II) increase the outstanding principal balance under the obligation (other than the capitalization of accrued, unpaid interest),

''(III) result in a release of an interest in real property securing the obligation such that the obligation is not principally secured by an interest in real property (determined after giving effect to the release), or

''(IV) result in an instrument or property right which is not debt for Federal income tax purposes.

''(iii) DEFAULTS.—Under regulations prescribed by the Secretary, any amendment, waiver, or other modification of an obligation which is in default or with respect to which default is reasonably foreseeable may be treated as a qualified modification for purposes of this section.

''(iv) DEFEASANCE WITH GOVERNMENT SECURITIES.—The requirements of clause (ii)(III) shall be treated as satisfied if, after the release described in such clause, the obligation is principally secured by Government securities and the amendment, waiver, or other modification to such obligation satisfies such requirements as the Secretary may prescribe.''.

(2) EXCEPTION FROM PROHIBITED TRANSACTION RULES.—Subparagraph (A) of section 860F(a)(2) of such Code is amended—

(A) by striking ''or'' at the end of clause (iii);

(B) by striking the period at the end of clause (iv) and inserting ''or''; and

(C) by adding at the end the following new clause:

''(v) a qualified modification (as defined in section 860G(a)(3)(C)).''.

(3) CONFORMING AMENDMENTS.—

(A) Section 860G(a)(3) of such Code is amended--

(i) by redesignating clauses (i) and (ii) of subparagraph (A) as subclauses (I) and (II), respectively;

(ii) by redesignating subparagraphs (A) through (D) as clauses (i) through (iv), respectively;

(iii) by striking 'The term' and inserting the following:

''(A) IN GENERAL.—The term''; and

(iv) by striking ''For purposes of subparagraph (A)'' and inserting the following:

''(B) TENANT-STOCKHOLDERS OF COOPERATIVE HOUSING CORPORATIONS.—For purposes of subparagraph (A)(i)''.

(B) Section 860G(a)(3)(A)(iv) of such Code (as redesignated by subparagraph (A)) is amended—

(i) by striking ''clauses (i) and (ii) of subparagraph (A)'' and inserting ''subclauses (I) and (II) of clause (i)''; and

(ii) by striking ''subparagraph (A) (without regard to such clauses)'' and inserting ''clause (i) (without regard to such subclauses)''.

(b) QUALIFIED MORTGAGES HELD BY A GRANTOR TRUST.—Section 672 of the Internal Revenue Code of 1986 is amended by adding at the end the following new subsection:

''(g) SPECIAL RULE FOR CERTAIN INVESTMENT TRUSTS.—A grantor shall not fail to be treated as the owner of any portion of a trust under this subpart solely because such portion includes one or more obligations with respect to which a qualified modification (within the meaning of section 860G(a)(3)(C)) has been, or may be, made under the terms of such trust.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to amendments, waivers, and other modifications made after the date of enactment of this Act.

By Ms. LANDRIEU:

S. 583. A bill to amend the Internal Revenue Code of 1986 to provide for the proper tax treatment of certain disaster mitigation payments; to the Committee on Finance.

Ms. LANDRIEU. Mr. President, tax day is right around the corner; just over a month away. For most Americans, April 15 is rather routine. You spend several days or weeks determining the amount you owe and you pay it. But for Christina and Raymond F., two of my constituents—I will not use their last name to maintain their privacy—of Avondale, LA, this upcoming tax day is going to be anything but routine. Earlier this year, Christina and Raymond received a letter from their parish government informing them that they must add $45,000 to their gross income this year.

You see, Christina and Raymond's home is located in a flood zone. That is not unusual in Louisiana. Twenty percent of the coastal zone of my state lies below sea level, including 80 percent of our largest city New Orleans. In order to protect their home from rising waters, they applied to their local parish to get flood mitigation assistance to raise their home above the base flood elevation in their area. To qualify, they had to raise $20,000, which they did by refinancing their home, and the parish paid the remaining $45,000 through FEMA's National Flood Insurance Program. What Christina and Raymond did not realize was that at the very same time that they were having this work done on their home, the Internal Revenue Service had decided that FEMA disaster mitigation assistance should be taxable. So now, this couple is going to have to pay taxes on $45,000 even though they never saw a dime of this money.

This news hit this family like a Category 4 hurricane. When Christina called my office she thought she said she would have to sell her house in order pay the IRS. This is a family with modest means, living in a neighborhood that they describe as working class. Her husband's medical costs are astronomical—$1,400 per month for his medication alone. The house is worth about $100,000 and the mitigation work did not add a significant amount to its value according to an appraisal they received. You can imagine that under these circumstances, the taxes on an additional $45,000 would wipe them out.

In a place like Louisiana where hurricanes and floods are as much a part of life as crawfish boils and Mardi Gras, the key to our peace of mind is the National Flood Insurance Program administered by FEMA. In Louisiana, 377,000 property owners participate in the National Flood Insurance Program. It is a real Godsend to the people of my state.

In addition, the National Flood Insurance Program provides funding for property owners to flood-proof their homes through the flood mitigation grant program. FEMA distributes these grant funds to the states which then pass them along to local communities. The local communities select properties for mitigation and contract for the mitigation services. Communities use these funds to put homes on stilts, improve drainage on property, and to acquire flood proofing materials. These mitigation grants encourage property owners to take responsible steps to lessen the potential for loss of life and property damage due to future flooding. The grants also have the added benefit of saving money in the long term for the Flood Insurance program.

But the IRS has turned this valuable disaster preparedness and prevention program into a financial disaster for responsible property owners by making these payments taxable. The first time Christina and Raymond learned that this funding was taxable was when their local community sent them a letter at the beginning of this year.

All the people in my state ask for is a warning and an opportunity to protect themselves, their homes, and their loved ones from these disasters. Through the state-of-the-art systems developed by the National Weather Service, we can get a warning about a hurricane. We have sophisticated radar to track these storms as they move through the Gulf of Mexico, or up the East Coast. When a Category 4 is coming we can prepare and pray. The IRS is making us prepare and pay.

This tax is unfair, unexpected, and an unfortunate policy decision. Unfair and unexpected because no one told Christina and Raymond that they would be taxed for accepting FEMA disaster mitigation assistance. The local officials in their parish were just as surprised as the property owners were. It is unfortunate policy because in the long term, the IRS will undercut the effectiveness of using mitigation as a means of decreasing future costs to the flood insurance program. It will force people to take risks that they will not be hit by a disaster.

Today, I am introducing legislation to protect these responsible property owners from this unfair tax. My bill excludes disaster mitigation assistance from gross income. I have made it retroactive to last year in order to protect those property owners who received assistance in 2004.

I understand that a companion measure has been introduced in the House of Representatives by Congressman MARK FOLEY of Florida. It is supported by a number of House members from states with high incidents of flooding and other natural disasters, many from Louisiana. I applaud their efforts.

But this is not a regional, special-interest bill. FEMA makes mitigation grants for a variety of hazards in addition to flooding: fire, tornadoes, earthquakes, thunderstorms, dam failures, and a host of others. This is not a problem just for properties that flood. So if your citizens have used a federal disaster mitigation program to help make their properties safer, the tax man will come for them too.

It is essential that the Congress consider this legislation and pass it as soon as possible. As I said at the start of my remarks, tax day is coming. We need to act to protect responsible property owners from paying this unfair tax.

By Mr. SALAZAR:

S. 584. A bill to require the Secretary of the Interior to allow the continued occupancy and use of certain land and improvements within Rocky Mountain National Park; to the Committee on Energy and Natural Resources.

By Mr. SALAZAR:

S. 585. A bill to better provide for compensation for certain persons injured in the course of employment at the Rocky Flats site in Colorado; to the Committee on Health, Education, Labor, and Pensions.

Mr. SALAZAR. Mr. President, I rise today to introduce two pieces of legislation important to my great State of Colorado.

Last week, I introduced one bill and proudly cosponsored two others to make good on our Nation's promise to honor and care for our veterans. Today, I am introducing a bill to discharge our debt to another group of patriotic Americans who served our Nation during the cold war—our nuclear weapons workers.

Many Americans contributed to our victory over communism in the cold war, including dedicated and brave men and women working in the laboratories and factories that fashioned the nuclear weapons that helped bring the former Soviet Union to its knees. As a result of this patriotic service, many of these nuclear weapons workers contracted cancer and other disabling and fatal diseases.

In 2000, Congress recognized the sacrifices made by our nuclear weapons

workers by enacting the Energy Employees Occupational Injury Compensation Act to provide benefits to nuclear weapons workers for their work-related illnesses, or to their survivors when these illnesses took their lives

But today, a combination of missing records and bureaucratic red tape prevents many nuclear weapons workers from receiving the benefits that Congress intended, including many workers who served at the Rocky Flats facility in Colorado

Through five decades, men and women worked at Rocky Flats, producing plutonium, one of the most dangerous substances in creation, and crafting it into the triggers for America's nuclear arsenal. These men and women served a critical role in a program deemed essential to our national security by a succession of Presidents and Congresses. We owe them an enormous debt of gratitude.

These men and women were exposed to radioactive elements and other toxic compounds that we are still trying to identify, in amounts that we can only guess at. We don't know what they were exposed to, how much or when. Part of the problem is that the existing science and technology did not allow us to monitor accurately. Part of the problem is that critical records have been lost or, in many cases, were never created by the government and its contractors.

Thankfully, Congress had the foresight in the Energy Employees Act to realize that some workers might not be able to prove that their cancers were caused by their work in nuclear weapons facilities, whether due to the lack of records or other problems that make it difficult or impossible to determine the dose of radiation they received.

To protect these workers, Congress designated a Special Exposure Cohort to receive benefits if they suffered from one of the specified cancers known to be linked to radiation exposure

The bill I am introducing today would extend Special Exposure Cohort status to workers employed by the Department of Energy or its contractors at Rocky Flats according to the stringent requirements of the 2000 Act

As a result of this designation, a Rocky Flats worker suffering from one of the 22 listed cancers can receive benefits despite the inadequate records maintained by the Department of Energy and its contractors

My bill is a companion bill to the bipartisan House bill introduced by my friends, Congressman MARK UDALL and Congressman BOB BEAUPREZ from Colorado. I look forward to bipartisan support in the Senate.

I am also proud to introduce a separate bill, this one to re-inject a small dose of humanity into our Federal bureaucracy.

Betty Dick is an 83-year-old woman who has spent much of the past 25 years on property within the boundaries of Rocky Mountain National Park. Over the course of those 25 years, Betty Dick has become a cherished part of the Grand Lake community. She has been a good citizen and has been happy to share her family's beautiful cabin for civic events, and she has been a good neighbor to the National Park.

But now, the National Park Service believes that it is compelled to evict Betty Dick. My bill, and a bipartisan companion bill introduced by Congressman MARK UDALL and supported by Congressman TOM TANCREDO, will authorize and instruct the Park Service to allow Mrs. Dick to spend her last few summers at her cherished Grand Lake home.

Mrs. Dick has been living on this property subject to a 25 year lease with the Park Service. Fred Dick, Betty's husband, died in 1992. Mrs. Dick knows she doesn't have too many summers left, but she would like to spend them in her home.

The Park Service is apparently concerned that it does not have the authority to extend or renew this lease or it is worried that to do so would set a bad precedent. On this, I respectfully disagree with my friends at the Park Service. I think evicting an 83-year-old woman from her family cabin would set a bad precedent.

My bill would simply require the Secretary of the Interior, as boss of the National Park Service, to enter into an agreement that will allow Betty Dick to continue to occupy her family cabin and property within Rocky Mountain National Park for the rest of her life. Mrs. Dick will continue to pay the rent that has been due under the prior lease. Mrs. Dick's children and grandchildren will have no right to occupy the property after her death, and the cabin and property will then be managed by the Park Service.

I hope we haven't reached the point where we can't find a way to play a role in helping Betty Dick spend her last summers on the land that she loves.

I ask unanimous consent that the text of these two bills be printed in the RECORD.

There being no objection, the bills were ordered to be printed in the RECORD, as follows:

S. 584

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Betty Dick Residence Protection Act''.

SEC. 2. FINDINGS.

Congress finds that—

(1) before their divorce, Fred and Marilyn Dick, owned as tenants in common a tract of land that included the property described in section 5(b);

(2) when Fred and Marilyn Dick divorced, Marilyn Dick became the sole owner of the tract of land, but Fred Dick retained the right of first refusal to acquire the tract of land;

(3) in 1977, Marilyn Dick sold the tract to the United States for addition to Rocky Mountain National Park, but Fred Dick, asserting his right of first refusal, sued to cancel the transaction;

(4) in 1980, the lawsuit was settled through an agreement between the National Park Service, Fred Dick, and the heirs, successors, and assigns of Fred Dick;

(5) under the 1980 settlement agreement, Fred Dick and his wife, Betty Dick, were allowed to lease and occupy the 23 acres comprising the property described in section 5(b) for 25 years;

(6) Fred Dick died in 1992, but Betty Dick has continued to lease and occupy the property described in section 5(b) under the terms of the settlement agreement;

(7) Betty Dick's right to lease and occupy the property described in section 5(b) will expire on July 16, 2005, at which time Betty Dick will be 83 years old;

(8) Betty Dick wishes to continue to occupy the property for the remainder of her life and has sought to enter into a new agreement with the National Park Service that would allow her to continue to occupy the property;

(9) the National Park Service has not been willing to enter into a new agreement with Betty Dick and is demanding that she vacate the property by July 16, 2005;

(10) since 1980, Betty Dick—

(A) has consistently occupied the property described in section 5(b) as a summer residence;

(B) has made the property available for community events; and

(C) has been a good steward of the property;

(11) Betty Dick's occupancy of the property has not—

(A) been detrimental to the resources and values of Rocky Mountain National Park; or

(B) created problems for the National Park Service or the public; and

(12) under the circumstances, it is appropriate for Betty Dick to be allowed to continue her occupancy of the property described in section 5(b) for the remainder of her natural life under the terms and conditions applicable to her occupancy of the property since 1980.

SEC. 3. PURPOSE.

The purpose of this Act is to require the Secretary of the Interior to permit the continued occupancy and use of the property described in section 5(b) by Betty Dick for the remainder of her natural life.

SEC. 4. DEFINITIONS.

In this Act:

(1) AGREEMENT.—The term ''Agreement'' means the agreement between the National Park Service and Fred Dick entitled ''Settlement Agreement'' and dated July 17, 1980.

(2) MAP.—The term ''map'' means the map entitled ''Betty Dick Residence and Barn'' and dated January 2005.

(3) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

SEC. 5. RIGHT OF OCCUPANCY.

(a) IN GENERAL.—The Secretary shall allow Betty Dick to continue to occupy and use the property described in subsection (b) for the remainder of the natural life of Betty Dick, subject to the requirements of this Act.

(b) DESCRIPTION OF PROPERTY.—The property referred to in subsection (a) is the land and any improvements to the land within the boundaries of Rocky Mountain National Park identified on the map as ''residence'', ''occupancy area'', and ''barn''.

(c) TERMS AND CONDITIONS.—

(1) IN GENERAL.—Except as provided in paragraph (2), the occupancy and use of the property identified in subsection (b) by Betty Dick shall be subject to the same terms and conditions specified in the Agreement.

(2) PAYMENT.—In exchange for the continued use and occupancy of the property, Betty

Dick shall annually pay to the Secretary an amount equal to 1/25 of the amount specified in section 3(B) of the Agreement.

(d) EFFECT.—Nothing in this Act—

(1) allows the construction of any structure on the property described in subsection (b) not in existence on November 30, 2004; or

(2) applies to the occupancy or use of the property described in subsection (b) by any person other than Betty Dick.

S. 585

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Rocky Flats Special Exposure Cohort Act''.

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—The Congress finds the following:

(1) The Energy Employees Occupational Illness Compensation Program Act of 2000 (42 U.S.C. 7384 et seq.) (hereinafter in this section referred to as the ''Act'') was enacted to ensure fairness and equity for the civilian men and women who, during the past 50 years, performed duties uniquely related to the nuclear weapons production and testing programs of the Department of Energy and its predecessor agencies by establishing a program that would provide efficient, uniform, and adequate compensation for beryllium-related health conditions and radiation-related health conditions.

(2) The Act provides a process for consideration of claims for compensation by individuals who were employed at relevant times at various locations, but also included provisions designating employees at certain other locations as members of a special exposure cohort whose claims are subject to a less-detailed administrative process.

(3) The Act also authorizes the President, upon recommendation of the Advisory Board on Radiation and Worker Health, to designate additional classes of employees at Department of Energy facilities as members of the special exposure cohort if the President determines that—

(A) it is not feasible to estimate with sufficient accuracy the radiation dose that the class received; and

(B) there is a reasonable likelihood that the radiation dose may have endangered the health of members of the class.

(4) It has become evident that it is not feasible to estimate with sufficient accuracy the radiation dose received by employees at the Department of Energy facility in Colorado known as the Rocky Flats site for the following reasons:

(A) Many worker exposures were unmonitored over the lifetime of the plant at the Rocky Flats site. Even in 2004, a former worker from the 1950s was monitored under the former radiation worker program of the Department of Energy and found to have a significant internal deposition that had been undetected and unrecorded for more than 50 years.

(B) No lung counter for detecting and measuring plutonium and americium in the lungs existed at Rocky Flats until the late 1960s. Without this equipment, the very insoluble oxide forms of plutonium cannot be detected, and a large number of workers had inhalation exposures that went undetected and unmeasured.

(C) Exposure to neutron radiation was not monitored until the late 1950s, and most of those measurements through 1970 have been found to be in error. In some areas of the plant the neutron doses were as much as 2 to 10 times as great as the gamma doses received by workers, but only gamma doses were recorded. The old neutron films are being re-read, but those doses have not yet been added to the workers' records or been used in the dose reconstructions for Rocky Flats workers carried out by the National Institute for Occupational Safety and Health.

(D) Radiation exposures for many workers were not measured or were missing and, as a result, the records are incomplete or estimated doses were assigned. There are many inaccuracies in the exposure records that the Institute is using to determine whether Rocky Flats workers qualify for compensation under the Act.

(E) The model that has been used for dose reconstruction by the Institute in determining whether Rocky Flats workers qualify for compensation under the Act may be in error. The default values used for particle size and solubility of the internally deposited plutonium in workers are subject to reasonable scientific debate. Use of erroneous values could substantially underestimate the actual internal doses for claimants.

(5) Some Rocky Flats workers, despite having worked with tons of plutonium and having known exposures leading to serious health effects, have been denied compensation under the Act as a result of potentially flawed calculations based on records that are incomplete or in error as well as the use of potentially flawed models.

(6) Achieving the purposes of the Act with respect to workers at Rocky Flats is more likely to be achieved if claims by those workers are subject to the administrative procedures applicable to members of the special exposure cohort.

(b) PURPOSE.—The purpose of this Act is to revise the Energy Employees Occupational Illness Compensation Program Act so as to include certain past and present Rocky Flats workers as members of the special exposure cohort.

SEC. 3. DEFINITION OF MEMBER OF SPECIAL EXPOSURE COHORT.

(a) IN GENERAL.—Section 3621(14) of the Energy Employees Occupational Illness Compensation Program Act of 2000 (42 U.S.C. 7384l(14)) is amended by adding at the end of paragraph (14) the following:

''(D) The employee was so employed as a Department of Energy employee or a Department of Energy contractor employee for a number of work days aggregating at least 250 work days before January 1, 2006, at the Rocky Flats site in Colorado.''.

(b) REAPPLICATION.—A claim that an individual qualifies, by reason of subparagraph (D) of section 3621(14) of that Act (as added by subsection (a)), for compensation or benefits under that Act shall be considered for compensation or benefits, notwithstanding any denial of any other claim for compensation with respect to that individual.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 76—EXPRESSING THE SENSE OF THE SENATE ON THE ANNIVERSARY OF THE DEADLY TERRORIST ATTACKS LAUNCHED AGAINST THE PEOPLE OF SPAIN ON MARCH 11, 2004

Mr. LIEBERMAN (for himself, Mr. ALLEN, Mr. DODD, and Mr. BIDEN) submitted the following resolution; which was considered and agreed to:

S. RES. 76

Whereas on March 11, 2004, terrorists associated with the al Qaeda network detonated a total of 10 bombs at 6 train stations in and around Madrid, Spain, during morning rush hour, killing 191 people and injuring 2,000 others;

Whereas like the terrorist attack on the United States on September 11, 2001, the March 11, 2004, attacks in Madrid were an attack on freedom and democracy by an international network of terrorists;

Whereas the Senate immediately condemned the attacks in Madrid, joining with the President in expressing its deepest condolences to the people of Spain and pledging to remain shoulder to shoulder with them in the fight against terrorism;

Whereas the United States Government has continued to work closely with the Spanish Government to pursue and bring to justice those who were responsible for the March 11, 2004, attacks in Madrid;

Whereas the European Union, in honor of the victims of terrorism in Spain and around the world, has designated March 11 an annual European Day of Civic and Democratic Dialogue;

Whereas the people of Spain continue to suffer from attacks by other terrorist organizations, including the Basque Fatherland and Liberty Organization (ETA);

Whereas the Club of Madrid, an independent organization of democratic former heads of state and government dedicated to strengthening democracy around the world, is convening an International Summit on Democracy, Terrorism, and Security to commemorate the anniversary of the March 11, 2004, attacks in Madrid; and

Whereas the purpose of the International Summit on Democracy, Terrorism, and Security is to build a common agenda on how the community of democratic nations can most effectively confront terrorism, in memory of victims of terrorism around the world: Now, therefore, be it

Resolved, That the Senate—

(1) expresses solidarity with the people of Spain as they commemorate the victims of the despicable acts of terrorism that took place in Madrid on March 11, 2004;

(2) condemns the March 11, 2004, attacks in Madrid and all other terrorist acts against innocent civilians;

(3) welcomes the decision of the European Union to mark the anniversary of the worst terrorist attack on European soil with a Day of Civic and Democratic Dialogue;

(4) calls upon the United States and all nations to continue to work together to identify and prosecute the perpetrators of the March 11, 2004, attacks in Madrid;

(5) welcomes the initiative of the Club of Madrid in bringing together leaders and experts from around the world to develop an agenda for fighting terrorism and strengthening democracy; and

(6) looks forward to receiving and considering the recommendations of the International Summit on Democracy, Terrorism, and Security for strengthening international cooperation against terrorism in all of its forms through democratic means.

SENATE RESOLUTION 77—CONDEMNING ALL ACTS OF TERRORISM IN LEBANON AND CALLING FOR THE REMOVAL OF SYRIAN TROOPS FROM LEBANON AND SUPPORTING THE PEOPLE OF LEBANON IN THEIR QUEST FOR A TRULY DEMOCRATIC FORM OF GOVERNMENT

Mr. SANTORUM (for himself, Mr. BROWNBACK, Mr. ALLEN, Mr. DEMINT, Mr. BURR, and Ms. CANTWELL) submitted the following resolution; which was considered and agreed to: